

MYSORE LAND REFORMS BILL 1951 AS REPORTED BY JOINT  
SELECT COMMITTEE CONSIDERATION OF CLAUSES—*contd.*

*Clause 63.*

Sri J. B. MALLARADHYA.—I move:

“That for sub-clause (5) the following sub-clause shall be substituted:

The provisions of sub-section (1) shall not apply to.—

- (a) Lands cultivated by plantation crops as defined by the term ‘Plantation’,
- (b) Lands used for orchards,
- (c) Lands used for sugar farms owned by sugar factories,
- (d) Lands utilised by efficiently managed farms.”

Mr. SPEAKER.—Amendment moved:

“That for sub-clause (5) the following sub-clause shall be substituted:

The provisions of sub-section (1) shall not apply to.—

- (a) Lands cultivated by plantation crops as defined by the term ‘Plantation’,
- (b) Lands used for orchards,
- (c) Lands used for sugar farms owned by sugar factories,
- (d) Lands utilised by efficiently managed farms.”

Sri J. B. MALLARADHYA.—I sent this amendment and along with this I expected that definition of the word “plantation” would be accepted by the Government. I want to know whether the Hon’ble Minister would agree to the definition suggested for the word “plantation”

†Sri KADIDAL MANJAPPA.—I would like to suggest to the Hon’ble Leader of the Opposition not to press this amendment because this will come under clause 105. So far as orchards and specialised farms are concerned it was the intention in the original Bill that such orchards and specialised farms should be exempted provided they were in existence on the appointed day. I will make the point clear Clause 63(2). The idea is that plantation should be exempted. So it does not come under the category of orchards and specialised farms. Therefore, in my amendment the plantations have been deleted. In the case of other exempted lands, namely, orchards and lands used for specialised farms, lands used as sugarcane farms, lands utilised for the efficiently managed farms, they are to be exempted provided they are in existence on the appointed day. But, plantations will be exempted whether they are held on the appointed day or otherwise. Therefore, I suggested that the Leader of the Opposition may not press his amendment.

Mr. SPEAKER.—Has the Hon'ble Member leave of the House to withdraw the amendment?

*(The amendment was, by leave of the House withdrawn)*

Sri G. VENKATAI GOWDA.—I move:

“That item (a) and the explanation of sub-clause (5) shall be deleted and the items (c) and (d) shall be re-lettered as items (b) and (c).”

Mr. SPEAKER.—Amendment moved:

“That item (a) and the explanation of sub-clause (5) shall be deleted and the items (c) and (d) shall be re-lettered as items (b) and (c).”

†Sri G. VENKATAI GOWDA.—My intention in moving this amendment is only to secure social justice as the Hon'ble Minister has claimed in his speech. I want to know whether the Government has conducted any survey to find out how many orchards are there in the State; what is their probable area; how many orchards are there having area in excess of the ceiling limit, i.e., 27 standard acres. If there are no orchards having more than 27 standard acres, there is no point in giving exemptions. There may be 400 or 500 acres of orchards where fruit bearing trees may be planted. Supposing there are 1,000 trees in one acre for 40,000 trees it would come to 400 acres. Is it the intention of the Government to exempt such lands? Even supposing there is a landlord having 400 acres of orchard, if the income from it is not beneficial to him it is not useful. Unless the Government knows full well that there are orchards the existence of which is beneficial to the owners and the conversion of which into agricultural land is not in the interest of owner, no purpose would be served by giving exemptions to orchards. Our main intention is to see that food production is increased. May I know whether there is any landlord owning more than 180 acres under orchards. There I request the Hon'ble Minister to accept this amendment to delete that clause (a)—giving exemption for the land used as orchards.

2-30 P.M.

Sri M. C. NARASIMHAN.—Orchards on the appointed day, those existing on the appointed day, are exempt from ceiling. That also applies to efficiently managed farms, but they are not exempted. They come within the purview of 18 standard acre ceiling limit. May I know the reason why that distinction is made. One of our important Cabinet Ministers owns a big orchard whose extent is 100 acres and he has recently converted part of it into orchard and the other part is now coming within the ambit of 27 standard acre limit.

Sri KADIDAL MANJAPPA.—I am not aware of any Minister who has converted his agricultural land into an orchard. This is not meant to help any particular individuals. It is one of the recommendations of the Planning Commission that an orchard which constitutes a reasonable compact area should be exempted. We have confined it to the existing orchards.

Sri G. N. PUTTANNA.—Orchard will include tamarind trees also.

Mr. SPEAKER.—Orchard is an orchard. Orchard means an enclosure or assembly of fruit bearing trees constituting main crops therein.

Sri V. S. PATIL.—May I know whether this word 'orchard' includes the plantation of cashew-nut trees. If a restriction is put upon the plantation of cashew-nut trees that will affect the Malnad area where these trees are grown. So far as the cashew nut trees are concerned. We have dealt with them in our committee also and we expect and it must be the intention of the Government also to encourage the plantation of cashew nut trees because they are dollar earning and they will give scope to the poorer people.....

Mr. SPEAKER.—He says there are no two opinions on the point.

Sri KADIDAL MANJAPPA.—I have already submitted that the Planning Commission had suggested that orchards should be exempted from the purview of the ceiling. In our Bill it is proposed to exempt such orchards as were existing on the appointed day. Therefore, I do not accept the amendment.

Mr. SPEAKER.—The question is.—

“That item (d) and the Explanation of sub-clause (2) shall be deleted and the items (c) and (d) shall be re-lettered as items (b) deleted and (c).”

*The amendment was negatived*

Mr. SPEAKER.—There is an amendment of Sri Venkatai Gowda regarding the deletion of item (e). Item (e) will not survive. After all, in the Minister's amendment it is suggested that sub-clause be added as follows: 'Where a person holds both land exempted under clause (c) or (d) of sub-section (5) (hereinafter called 'exempted land') and other land (that is, land which is not so exempted)...'. So a decision has been taken on that point. The Hon'ble Member can only say that the Explanation be deleted.

Sri G. VENKATAI GOWDA.—But no amendment has been suggested by the Minister to (e). He only said that items (b), (c), (d) and (e) shall be re-lettered.

Mr. SPEAKER.—According to his amendment, item (e) becomes (d) of sub-section 5. It has been adopted by the House. He may move an amendment to the Explanation.

Sri G. VENKATAI GOWDA.—When the motion is not there, what is the use of having an Explanation?

Mr. SPEAKER.—Even Amendment No. 149 goes; also Amendment Nos. 150 and 151. There is one amendment in the name of Sri Gajanan Pandit. He is not present. Amendment No. 152.

Sri M. C. NARASIMHAN.—I do not know if this particular idea comes appropriately in this section. I have given today notice of an amendment to section 66 and 67 incorporating the same thing.

Mr. SPEAKER.—So, he is not moving it.

Sri M. C. NARASIMHAN.—I will move it under section 66.

Mr. SPEAKER.—Then I will put to vote clause 63 as amended. The question is:

“That Clause 63 as amended stand part of the Bill.”

*The motion was adopted.*

Clause 63 as amended was added to the Bill.

Sri J. B. MALLARADHYA. (Nanjangud).—Sir, I wish to make a statement in this connection. The Government has made a discrimination and I want the existing holders.....

Mr. SPEAKER.—He has already said all that.

Sri J. B. MALLARADHYA.—So far as the position is concerned, we want to disassociate ourselves because this clause is of a discriminatory character.

Sri S. D. KOTHAWALE.—I rise to a point of order. Clause 63 is now accepted by the House. The Leader of Opposition wants to make a statement on it now. There is no provision permitting to make any statement, either a statement of policy or otherwise at this stage. There is no such provision in the Rules of Procedure.

Sri J. B. MALLARADHYA.—Sir, what is the section under which Mr. Kothawale is raising this point of order? Sir, the House has now accepted clause 63. I represent the opposition and say that we completely disassociate with this kind of a decision because it is of a discriminatory character and it is calculated to cater to the needs of the vested interest. As a protest, we shall go out.

*(The opposition members withdrawn from the House)*

Mr. SPEAKER.—I am very sorry that such an attitude has been adopted. After all, when a clause is adopted by the House, may be by majority or unanimous but it is binding on every Member of the House and there is no question of any Member dissenting. Otherwise democracy will not function at all.



Mr. SPEAKER.—Clause 64. The question is :

“That Clause 64 as amended, stand part of the Bill”

*The motion was adopted.*

Clause 64 as amended was added to the Bill.

Mr. SPEAKER.—Clause 65. The question is :

“ That Clause 65 stand part of the Bill”

*The motion was adopted.*

Mr. SPEAKER.—Clause 66 We shall take clause 66 afterwards.  
Clause 67.

Sri M. C. NARASIMHAN.—There is an amendment to clause 67 ;  
we shall take it up afterwards.

Mr. SPEAKER.—All right. Clause 68. The question is :

“ That Clause 68 stand part of the Bill ”

*The motion was adopted.*

Clause 68 was added to the Bill.

Mr. SPEAKER.—Clause 69. The question is :

“ That Clause 69 stand part of the Bill. ”

*The motion was adopted.*

(Clause 69 was added to the Bill.)

Mr. SPEAKER.—Clause 70. There is an amendment by Sri Venkatai  
Gowda. The Member is not here. The question is :

“ That Clause 70 stand part of the Bill”

*The motion was adopted.*

Clause 70 was added to the Bill.

Mr. SPEAKER.—Clause 71. There is an amendment by Sri V. S. Patil.

Sri V. S. PATIL. (Belgaum I).—Sir, I beg to move :

“ That for sub-clause (2) the following sub-clause shall be  
substituted :—

(2) the landlord to whom possession of the land reverts  
under sub-section (1) shall be liable to pay the tenant compen-  
sation in the following scales :

(i) to the permanent tenant samount equal to the compensation  
to which the owner is entitled under section 72;

(ii) to the protected tenant one-half of the amount mentioned  
in the case of permanent tenants ;

(iii) to the ordinary tenant one year's rent profits of  $\frac{1}{4}$  of the  
amount to be paid to a permanent tenant.”

“ In sub-clause (3) for the words and figure ‘ under section 72’ the words and figure ‘ as stated in sub-section (2) and the remaining to the owner’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“ That for sub-clause (2) the following sub-clause shall be substituted :—

(2) the landlord to whom possession of the land reverts under sub-section (1) shall be liable to pay the tenant compensation in the following scales :

(i) to the permanent tenants amount equal to the compensation to which the owner is entitled under section 72

(ii) to the protected tenant one-half of the amount mentioned in the case of permanent tenants ;

(iii) to the ordinary tenant one year's rent profits of  $\frac{1}{4}$  of the amount to be paid to a permanent tenant.”

“ In sub-clause (3) for the words and figure ‘ under section 72’ the words and figure ‘ as stated in sub-section (2) and the remaining to the owner’ shall be substituted.”

Mr. SPEAKER.—Amendment moved.

† Sri V. S. PATIL.—Sir, clause 70 refers to the reversion and vesting of land surrendered by usufructuary mortgagee. Here, when the land goes back from the mortgagee in possession to the owner, what about the tenant? The tenant or the mortgagee who is cultivating the land and who may have got even hereditary interest created in such a land, nothing has been said regarding the rights or liabilities or anything of that sort of the tenant, i. e., the actual cultivator of the land. This section refers only to the so-called owner and the mortgagee and neglected the rights of the actual cultivator. That is why, I have moved this amendment. In cases where the land refers to the owner, the tenant should not suffer at all. What has been proposed is, to pay to the tenant under sub-section (2), compensation equal to one year's net income of such land.

Sri V. SRINIVASA SHETTY.—No land can be taken from the permanent tenant ; how can he surrender the land ?

Sri V. S. PATIL.—Even a permanent tenant may surrender his right ; a permanent tenant is not debarred from surrendering his right to the owner. So, in case the permanent tenant surrenders, what should be paid to him ? That is the point.

In case the protected tenant surrenders land, what should be given to him? And in the case of the ordinary tenant, what should be given to him? Here in sub-clause (2) what is mentioned is payment of compensation equal to one year's income of such land. This is really absurd. We have clubbed together all the three categories—the permanent

(Sri V. S. PATIL)

tenant, protected tenant and the ordinary tenant. This will come in the way of the permanent tenant and protected tenant. All of them cannot be treated on one and the same line. That is why I have made as per our intention in the earlier part of the Bill, and have tried to draw a distinction among these three categories and make them entitled to various degrees of compensation, when the land is surrendered by the tenant and it vests in the land-owner. For an analogy, I may say, that according to my, all land belongs to the Government and so-called owners are merely tenants of the Government. When we surrender lands, we are entitled to get certain benefits from the Government. So the tenant who surrenders land to the owner, why should be debarred from claiming the same compensation as any occupants are entitled to claim from Government when we surrender it? So, I think the actual cultivator should not suffer and the same benefit should be given to him. The Hon'ble Minister may say that the lands are surrendered by the tenants and they are willing to do it. We know how their willingness is obtained. It is commonsense everyday knowledge that these surrenders are taken by some sort of pressure or deceit that is practiced upon the tenant. No tenant who has been cultivating the land from generations will come to-morrow before the prescribed authority and say that he is not inclined to cultivate the land that is why he wants to surrender.

Sri KADIDAL MANJAPPA.—This section is applicable to cases coming under the purview of 67, where a tenant has lands in excess of the ceiling area. Then he has to file a declaration. Only in such cases, the question of surrender comes in here—not the usual surrender.

Sri V. S. PATIL.—When the owner has surplus land and when Government takes it, some compensation has been prescribed. What I ask is, why not the same rule be applied in the case of various kinds of tenants who surrender lands under this clause also, 15 or 20 times the net income, in the case of all the three categories of tenant. I submit that my amendment may be considered by the Government and accepted.

†Sri M. C. NARASIMHAN.—Sir, I do not understand the logic of the existing provision where it says that the tenant shall be paid only one year's net income or half the gross income, in the case of wet lands and one-third in the case of dry land. Sir, I want to seriously ask the Government whether it is compensation that is intended to be paid to the tenant, because he was cultivating the land for some time : he had brought the land to a particular stage of development which is now sought to be taken and distributed. So, is it the idea to give compensation in lieu of the loss of rent to which he was hitherto entitled or if this law had not been passed, if he had continued his tenancy. If it is the compensation in lieu of loss of rent and loss of

income it is not at all equitable and fair. I shall just point out one relevant provision in the Kerala Act which takes note of this particular Act and puts in a more rational way. I am referring to Section 64 of the Kerala Act, where it lays down that it shall be determined on the basis of the net profits derived from the land; because it is deemed as compensation for loss of income which he would have got if this law had not been passed. So, it must be real compensation. If it is real compensation, then it must be related to the profits that he was likely to earn if the tenancy had continued. If that is not the position, there is no point in saying that compensation should be one year's net annual income and no more than that. If it is not in lieu of that and if it is a general proposition, I do not see any valid reason why it should not be on the same footing as Section 72. After all, what happens you may think. In some cases it comes to the owner and in certain other cases, it comes to the State and the State would also get a little profit by paying one year's compensation in respect of such lands surrendered, which in turn the State is going to distribute to the landless tenants, from whom they will be getting money which will be far in excess of what Government will pay as compensation to lands surrendered. Is it the idea of the Government that they should make profit out of this measure? It would be most extraordinary position to make profit out of this. To this extent Government will be making profit instead of helping the tenant. This legislation is intended only to put the tenant in a better position than what he was previously. But here is a provision by virtue of which Government say they pay compensation to the tenant for the loss of his previous earning. After all, he holds the land in excess of the ceiling area only as a tenant—it may not be as owner. He is certainly deprived of his income.

†Sri V. SRINIVASA SHETTY.—Sir, on second thought I think there is a lot of confusion in my mind. The clause reads :

“71. Vesting of land surrendered by tenant.—(1) Where the land surrendered under Section 67 is by a tenant, the possession of the land shall revert to the owner in every case where, and to the extent to which the owner himself is not liable to surrender such land in accordance with the provisions of Section 67.

(2) the owner to whom possession of the land reverts under sub-section (1) shall be liable to pay the tenant compensation equal to one year's net income of such land.

If you read the amendment :

“167. For sub-clause (2) the following sub-clause shall be substituted.

(2) the landlord to whom possession of the land reverts under sub-section (1) shall be liable to pay the tenant compensation in the following scales :

(i) to the permanent tenants amount equal to the compensation to which the owner is entitled under section 72 ;

(Sri V. SRINIVASA SHETTY)

Suppose the permanent tenant happens have possession of land more than one ceiling area, he has to surrender the extra land.

Sri KADIDAL MANJAPPA.—He becomes automatically the owner and as the owner he will be surrendering. He becomes the owner of the entire land because the lands become non-resumable in his case. He surrenders the excess land as owner and he gets compensation.

Sri V. SRINIVASA SHETTY.—What is the amount to be paid to him by the Government?

Sri KADIDAL MANJAPPA.—If he surrenders, as owner, he gets the compensation as owner.

Sir, if the Hon'ble Member refers to previous clauses, the land in the possession of the permanent tenant is non-resumable. He becomes automatically the owner of the land.

Sir, I have already submitted that the permanent tenant will automatically become the owner of the land and if he surrenders, he will surrender it as owner and gets compensation. In the case of the other tenants, after all their tenancy is not permanent. They must be satisfied with one year's rent. Supposing a small holder is the owner, the owner will get compensation and the land reverts to the State and it covers cases of tenants having more than one ceiling area. The amendment is purely a theoretical importance. Very few tenants have got lands in their possession above the ceiling area.

Mr. SPEAKER.—I will put the amendment.

The question is :

“That for sub-clause (2) the following sub-clause shall be substituted.

(2) the landlord to whom possession of the land reverts under sub-section (1) shall be liable to pay the tenant compensation in the following scales :

(i) to the permanent tenants amount equal to the compensation to which the owner is entitled under section 72 ;

(ii) to the protected tenant one-half of the amount mentioned in the case of permanent tenants ;

(iv) to the ordinary tenant one year's rent profits of  $1/4$  of the amount to be paid to a permanent tenant.”

*The amendment was negatived*

Mr. SPEAKER.—Amendment No. 168 (III list) will not survive. I will, therefore, put the clause to the vote. The question is :

“That Clause 71 stand part of the Bill.”

*The motion was adopted.*

Clause 71 was added to the Bill

Mr. SPEAKER.—We will take up discussion after lunch. The House will now rise for Tea and reassemble after half-an-hour.

*The House adjourned for recess at Three of the Clock and reassembled at Thirty-five Minutes past Three of the Clock.*

[Mr. SPEAKER in the Chair].

Mr. SPEAKER :—Clause 72

Sri V. S. PATIL.—I beg to move :

“That for the word ‘ten’ the word ‘eight’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That for the word ‘ten’ the word ‘eight’ shall be substituted.”

Sri B. G. KHOT.—I beg to move :

“That for the words ‘ten times’ the words ‘fifteen times’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That for the words ‘ten times’ the words ‘fifteen times’ shall be substituted.”

Sri J. B. MALLARADHYA.—I beg to move :—

“That for the words ‘ten times, . . . . who is entitled thereto’ the words ‘the aggregate of—

(a) (i) fifteen times, the value in cash of one-fifth of the gross produce in the case of land possessing facilities for assured irrigation from a tank or river channel, less the land revenue of such land ;

(ii) fifteen times, the value in cash of one-fifth of the gross produce in the case of land other than land referred to in sub-clause (i) less the land revenue of such land :

Provided that where the rent in respect of the land was : payable to the landlord under any contract and such rent or the value in cash of such rent, was less than the value referred to in sub-clause (i) or sub-clause (ii), as the case may be, fifteen times of such rent or the value in cash of such rent, less the land revenue of such land :

Provided further that if the tenant in respect of the land was a permanent tenant, six times the excess of the rent payable under clause (b) of sub-section (1) of section 8 over the land revenue payable in respect of such land.

(Sri J. B. MALLARADHYA)

*Explanation.*—For purposes of sub-clauses (i) and (ii), the gross produce of the land shall be determined accordance with the provisions of section 8 ;

- (b) fifty per cent of the value of trees on the land, which belonged to the landlord, the gross produce of which is not taken into consideration for purposes of sub-clause (i) or (ii) of clause (a) ; and
- (c) the depreciated value of any structures on the land constructed by the landlord' shall be substituted."

Mr. SPEAKER.—Amendment moved :

"That for the words 'ten times.....who is entitled thereto' the words 'the aggregate of—

- (a) (i) fifteen times, the value in cash of one-fifth of the gross produce in the case of land possessing facilities for assured irrigation from a tank or river channel, less the land revenue of such land ;
- (ii) fifteen times, the value in cash of one-fifth of the gross produce in the case of land other than land referred to in sub-clause (i) less the land revenue of such land :

Provided that where the rent in respect of the land was : payable to the landlord under any contract and such rent or the value in cash of such rent, was less than the value referred to in sub-clause (i) or sub-clause (ii), as the case may be, fifteen times of such rent or the value in cash of such rent, less the land revenue of such land :

Provided further that if the tenant in respect of the land was a permanent tenant, six times the excess of the rent payable under clause (b) of sub-section (1) of section 8 over the land revenue payable in respect of such land.

*Explanation.*—For purposes of sub-clauses (i) and (ii), the gross produce of the land shall be determined in accordance with the provisions of section 8 ;

- (b) fifty per cent of the value of trees on the land, which belonged to the landlord, the gross produce of which is not taken into consideration for purposes of sub-clause (i) or (ii) of clause (a) ;
- (c) the depreciated value of any structures on the land constructed by the landlord' shall be substituted."

Sri M. C. NARASIMHAN.—I beg to move :

"That in item (a) for the words 'the average net annual income of the lands' 'the words' 'one third of the total compensation due under the clause' shall be substituted."

In the explanation between the words 'income so arrived at' and 'shall' in line 8 the words 'less the Land Revenue payable in respect of the said' shall be inserted."

At the end of the explanation the following provisos shall be added, namely :—

"Provided that in the case of land which is not cultivated for a continuous period of three years, before the appointed day the compensation shall be 25 per cent of the compensation calculated as aforesaid.

Provided further that in respect of forest land or grazing land the price and the gross income may be determined in the prescribed manner".

MR. SPEAKER.—Amendment moved :

"That in item (a) for the words 'the average net annual income of the lands' the words 'one third of the total compensation due under the clause' shall be substituted.

In the explanation between the words 'income so arrived at' and 'shall' in line 8 the words 'Less the Land Revenue payable in respect of the said land' shall be inserted."

At the end of the explanation the following provisos shall be added, namely :—

"Provided that in the case of land which is not cultivated for a continuous period of three years, before the appointed day the compensation shall be 25 per cent of the compensation calculated as aforesaid.

Provided further that in respect of forest land or grazing land the price and the gross income may be determined in the prescribed manner".

†SRI V. S. PATIL.—Sir, This Clause 72 refers to the compensation for land rendered to and vested in the State Government. This land surrendered is as per Clauses 68, 70 and 71 and is an excess land over ceiling the held by the respective persons on the appointed date. It means that refers only to the big people i.e. people owning more than 200 acres of land in the dry tract and a correspondingly higher extent of land in the wet area. The Hon'ble Minister suggested some time back that when compensation is to be paid to the small holders, or when the tenants purchase lands from the small holders etc. the actual market price must be paid. All these clauses put together go to show that this clause applies only to these who have got big lands.

MR. SPEAKER.—The time allotted for this Bill was only upto Yesterday. To-day, we started at 2-20 P.M. and now one hour is over since we have taken further consideration of it. So, a motion will have to be made for extension of time.



Sri J. B. MALLARADHYA.—Sir, since we are still at the stage of Clause 72 of the Bill and there are many more important clauses to be discussed in detail, I suggest that the discussion be extended till the end of to-morrow's sitting.

Mr. SPEAKER.—The question is:

“That the time for this Bill be extended till the end of tomorrow's sitting”

*The motion was adopted.*

Sri V. S. PATIL.—Sir, it means that this clause will come into force only with regard to big zamindars who might have partitioned or gifted away their properties in favour their children and relatives and whatever property may remain thereafter will be the surplus. So instead of paying ten times, it is better to pay them a nominal value. So, we have proposed only eight times. Eight times will also be now required by these big people and so I submit that eight times may be accepted by Government.

†ಶ್ರೀ ಬಿ. ಜಿ. ಪೋತ್.—Justice ಸಲುವಾಗಿ ಯೋಗ್ಯ ರೀತಿಯಿಂದ justice ನಿಕು ಬೇಕೆಂದು Compensation for lands:—ten times the average net annual income of the land ಎಂದು ಇರುವುದನ್ನು Ten times ಬದಲು fifteen times ಕೊಡಬೇಕೆಂದು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ನಾನು ಮಂಡಿಸಿದ್ದೇನೆ. ನಣ್ಣ ಜಮೀನುದಾರನೇ ಇರಲಿ ದೊಡ್ಡ ಜಮೀನುದಾರನೇ ಇರಲಿ, ಯಾರೇ ಇರಲಿ, justice ನಿಕ್ಕುಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ten times ಎಂದಿರುವುದನ್ನು fifteen times ಮಾಡಬೇಕು ಎಂದು ಈ ತಿದ್ದುಪಡಿಯಿಲ್ಲದೆ ಭೂಮಿಯನ್ನು ಬಿಟ್ಟು ಕೊಡುವುದರಿಂದ ಅದರ ಮೇಲೆ ಯಾವ ಹಕ್ಕು ಉಳಿಯುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಯೋಗ್ಯವಾಗಿರುವ ಪರಿಹಾರ ಕೊಡತಕ್ಕದ್ದು ನ್ಯಾಯ.

ಇನ್ನು ಎರಡನೇಯದಾಗಿ 47 ನೇ ಕ್ಲಾಜು ಪ್ರೊವೈಜೋ ಅನುಸರಿಸಿ 15 times ರೈತ ಭೂಮಾಲೀಕನಿಗೆ ಕೊಡಬೇಕು ಎಂದು ಇರುವುದನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ಅನುಕೂಲ ಮಾಡಬೇಕು ಅಂದರೆ ಮಾಡಿಲ್ಲ. 3 ವರ್ಷದ average annual income ತೆಗೆದುಕೊಂಡು, ಹತ್ತು ವರ್ಷದ Prevailing Price ಮತ್ತು average yield multiply ಮಾಡಿ 15 times the produce or 33½ ಕೊಡಬೇಕೆಂದು ಇರುವುದರಲ್ಲಿ ದೋಷವಿದೆ. Average ತೆಗೆಯುವುದರಲ್ಲಿ ದೋಷವಿದೆ. 8 ನೇ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ gross income ತೆಗೆದುಕೊಂಡು fair price set up ಮಾಡುವ provision ಬಂದಿಲ್ಲ. ಇದು 8 ನೇ ಕ್ಲಾಜು ಪ್ರಕಾರ ನಮೂದು ಆಗ ಬೇಕಾಗಿತ್ತು. Fair Price ಹೇಗೆ ತೆಗೆಯಬೇಕು ಎಂಬುದನ್ನು ನಮೂದು ಮಾಡಿಲ್ಲ. ಈ ದೋಷ ನಿವಾರಣೆ ಮಾಡಿಲ್ಲ. ಅದು ಉಳಿದು ಕೊಂಡಿದೆ. ಅದುದರಿಂದ 10 times ಬದಲು 15 times ಮಾಡಿ ಯೋಗ್ಯವಾದ ರೀತಿಯಲ್ಲಿ ನ್ಯಾಯ ಕೊಡಬೇಕೆಂದು ನಾನು ಹೇಳುತ್ತೇನೆ. ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†Sri J. B. MALLARADHYA.—Sir, from various angles, this clause is an equally important clause in the Bill. This reflects to my mind the mind of the Government who are out to introduce a big reform called the Land Reforms Bill. I want to ask the Hon'ble Minister as to why a distinction is sought to be made in respect of cases coming Under Section 47 (2) and these people.

Sri KADIDAL MANJAPPA.—I have already answered.

†Sri J. B. MALLARADHYA.—Some kind of answer has no doubt been given. Cases coming under clause 47 and cases under 72 have to be viewed from two different angles. Cases coming under 72 are those referred to in Clauses 68, 70 and 71 of the bill. As briefly explained by my friend, Mr. Patil what are those cases? They are not cases of people who are either small-holders or petty landlords. They are affluent people. They are to all intents and purposes people who can well-afford to get minimum compensation. I have examined this matter carefully and calculated. Take for example, cases coming under 47 (2), a wet land yielding about Rs. 400 per acre. According to 47 (2), the quantum of compensation will, according to me, be Rs. 1,500 per acre. As against that, if we calculate according to the rates suggested in the Bill not according to my amendment it will be Rs. 400 minus Rs. 200. which reduces the cost of cultivation, 50 per cent in respect of lands to which there is an assured source or irrigation. Rs. 200 multiplied by 10, according to the rates suggested here, is Rs. 2,000. What does the Government do with this land which they take over by paying such high rate of compensation, which to my mind is unconscionable. This land which you take over is intended to be given to the landless agriculturists to the agricultural labour. Is it the suggestion of the Government that this category of land acquired at considerable cost, Rs. 500 in excess contemplated under 42, would be given at subsidised rates and the Government should eventually lose in the transaction. The sense of discrimination which permeates the entire Bill in essentials makes the whole thing a sad business. This discrimination against a small-holder, most poor agriculturists, cannot be defended on any ground. I want to know with what purpose different norms have been fixed for paying compensation. We are kept in the dark as to why different standards have been applied. I for one feel that this is designed to safeguard vested interests. There can be no other explanation.

In this class of cases come people who in the expectation that this land reforms Bill is going to be passed, have indulged in a number of *mala fide* transactions presumably and you are now putting a premium on such transactions whereas in dealing with cases coming under the purview of 47 (2), cases relating to the poor tenant or the poor agriculturists, you do everything to injure his interests and make him helpless. I want to know if there are compelling reasons to discriminate against this class of persons. It is clear that you wanted to help the people who wanted to evade the clutches of the law and who come to you for succor after completing the mischief. In any case my point is that it must be below 15 times contemplated in 47 (2) or atleast equal to that.

Sri S. D. KOTHAWALE.—Does not the Hon'ble Member make any distinction between lands held by tenants and lands coming to Government from prosperous landlords. In the first case tenants interests are involved.

Sri J. B. MALLARADHYA.—My Hon'ble friend Sri Kothawale has not heard my arguments. What is the Government going to do with this land which they acquire, after paying compensation at a high rate. Are you going to keep it pickled in the archives of the Secretariat?

Sri S. D. KOTHAWALE.—It is not the market price at which it would be paid. If a landlord sells land under Section 72, the valuation is much lower. It is concessional.

Sri J. B. MALLARADHYA.—My friend seems to live in an atmosphere surcharged with vested interest. He does not see any reason in what I say. I know that those two categories are absolutely different. The one deals with tenant and the other deals with land lords. But the point is why do you treat the case of a landlords in a much better manner than the tenant. Supposing you acquire as a result of this section giving compensation, what are you going to do with the lands thus acquired. You are going to give it to the people who are landless.

Sri S. D. KOTHAWALE.—There are several other categories.

Sri J. B. MALLARADHYA.—There is no answer to my question. That is the crux of the case.

Sri P. G. SIDHANTHI.—47 deals with absentee landlords.

Sri J. B. MALLARADHYA.—Absolutely correct. When you eliminated this requirement of residence within 10 miles of the village and residence during cultivation season. I know how well you wanted to help the big landlords. This Bill far from discouraging or eliminating absentee landlordism, only seeks to perpetuate it and give it a touch of legal respectability. Now you seem to be concerned with absentee landlordism.

In any case I consider the scale fixed is unconscionable and if according to the calculations now proposed it is going to work out 8 times the average net income, I am prepared to accept the amendment tabled by my friend Mr. Narasimhan and Mr. V. S. Patil.

Sri S. D. KOTHAWALE.—Why don't you accept Mr. Khot's amendment?

Sri J. B. MALLARADHYA.—I do not belong to that category. I am glad you are keeping alive the proposition.

Having regard to these considerations, I want the whole clause to be substituted.

†Sri M. C. NARASIMHAN.—Sir, I would endorse and support the statement made by Mr. Mallaradhy. The 2nd clause is related to Clause 78 where we are fixing the purchase price of surplus lands whatever be the compensation proposed to be granted under Clause 72. Some amount is proposed to be recovered from the tenant if he is to get ownership rights. The financial memorandum suggests that there

will not be any additional expenditure in respect of this compensation under Clause 72.

Then it stands to reason that Clause 72 should be read along with Clause 78, in this context if compensation that you propose to pay under 72 is going to be more than, then you will be virtually preventing a tenant from getting the right of ownership as envisaged in 78. There may be surplus land available with the Government. If the tenant is not able to pay compensation which he required to pay under 78, then virtually the whole position is meaningless and the object of the Bill is defeated. I feel that ten times the income as proposed under 72 is more. I definitely infer that the Government is not very serious about conferring ownership right on the tenant.

4-00 P.M.

I have got another reason. In Kerala, for instance, it provides a tenant to pay the first annual instalment of the compensation or the purchase price and then he would be conferred the right of ownership. But here it is not so. Till he assures that he pays all the amount he is not likely to get the ownership right. Then also Sri Mallaradhya said that it is unconscionable. We are fully justified in saying it. Supposing we look to neighbouring State, For example, I have before me Madras Act. The Madras Select Committee Report is fairly elaborate in all these matters. It provides for a graded scale. The rate of compensation is more in the case of lower categories and lower in the case of higher categories. There is a slab element involving the rate of compensation where the net annual income does not exceed Rs. 12,000, twelve times; where the net annual income is 15,000, 9 times. It oscillates between 12 and 9 times. It is not more than 12 times. The net annual income itself is determined in a manner more advantageous to the tenant and far less what is envisaged in our Bill. For example in the Madras Select Committee, it is only 40 per cent of gross produce; it is not 50 per cent of the gross produce. The second important thing is that land revenue is sought to be deducted from gross income.

Sri S. D. KOTHAWALE.—What about non-irrigated land? It is only 33½ per cent.

Sri M. C. NARASIMHAN.—I am aware of it. So far as non-irrigated land is concerned, the Madras Bill provides for 33½ per cent less land revenue. I do not see any reason why land revenue should not be deducted. If on principle we can accept under 47 that the land revenue should be deducted from one-fourth gross produce, there is equal justification if deduction is made here also. When compared to Madras Act, the rate proposed under the scale of compensation is definitely in favour of landlord and it is designed to see that the tenant is not able to purchase land. If you compare it with Andhra Act, there it is five times the gross income. Ours also comes to five times; it is stated there that for the first 4½ family holdings in excess of the ceiling area five times and for the next four family holdings four times

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and for the balance of the holdings three times the gross income. You will kindly see that it is less than what is provided for in our Bill. In these two States of Andhra and Madras, according to me, the leadership of the Congress Legislature Party and the Ruling Party are one in favour of landlord because compensation is such; but we are supposed to be having a party here based of small holders and middle class holders and there are not very many big landlords amongst them and they are therefore more in favour of peasant proprietors. But even in Madras and Andhra where they are supposed to be in favour of big landlords, the scale of compensation is very much less and the purchase price is one which any tenant can pay. Now in Maharashtra it is less, in Kerala also it is less. It does not meet the ends of justice or the object in view, namely, conferment of ownership to tenants. Another important aspect is in relation to sharing of compensation between the landlord and the tenant. In the Maharashtra Act, the proposal is that it may be one-third. Section 25 (2) (a) says that two-thirds compensation shall be payable to Landlord and one-third Act to tenant. I understand in the case of landlord, land revenue is being paid by the tenant himself. Whatever that be, that is not a material thing. We can provide for rent deduction. But the point is the tenant gets greater share of compensation. The productive capacity of the land has also got to be taken into account. Lastly there is another aspect of my amendment in respect of determination of gross income. We say average of the gross yield. Supposing there is a land which is not cultivated for three years. That is not entitled to the same amount of compensation as land which is cultivated to-day because we are taking in this particular section gross income as average of three years' gross produce. Supposing for 3 years it is not cultivated for any reason whatever or in anticipation of land reform or due to inconvenience of landlord. That has been taken care of in Madras Act. So far as forest grazing land is concerned, how do you determine gross produce? Can it be 50 per cent of gross produce? Obviously not. Here is a different situation. Forest land cannot be put on the same category as other land to which certain amount of labour has gone in and greater difficulties and greater investments have gone in so far as the tenants are concerned. So, it cannot be put on the same footing. It cannot be said that the forest land will not come in as surplus land; under Section 64 you have stated if there is forest land in excess of 30 acres it naturally forms the pool of surplus land available to the State. Naturally we should provide in the Statute itself regarding the manner in which forest land or grazing land should be treated. If I remember aright, the Andhra provides for income under grazing land being estimated in a different manner from other lands. With these words I commend my amendment to the acceptance of the House and I would even now suggest that if my amendment is not acceptable to the Minister, he can certainly incorporate the idea of slab as it is more advantageous to the State as well as to the tenant.

† Sri V. SRINIVASA SHETTY.—With regard to Mallaradhya's amendment, we discussed the matter threadbare and we do not find any reason why compensation should be more in one case and less in another case. I know Sri Kothawale has just now advanced an argument, which I suppose the Hon'ble Minister for Revenue will also advance that the tenant has got certain rights and he has made improvements and so he is entitled to more concessions than other persons. We shall not here look at the tenant as such. We shall look at the owners of the land. In one case the tenant has occupied the surplus land and if the tenant is made the owner it is 15 times the value; in the other case it is 10 times the net annual income. We do not know why one category of landlord should be treated in a generous way and other category in a less generous and harsher way. We see no reason why it should be so.

In one case the argvment is that the tenant is in possession of the land, that he has made improvements and that he is entitled to certain concessions. But who are the other persons? The lands vest in the Government. But what is to happen to the land? The land has to be distributed to certain persons, for whom the Hon'ble Revenue Minister is shedding tears—displaced persons, landless agriculturists, scheduled castes, the down—trodden and the most unhappy lot in society. These are the persons to whom the land is going to be distributed. Why should Government treat these persons in a less generous way? Are not these less unhappy people also entitled to be treated in the same manner? I am really unable to find any difference between these two categories. I know there are regular pulls in certain directions. The raising of the compensation is in consonance with the pull of certain sector of people who can exert. In this case, we know how this has happened. This is really doing the barest justice if the Government is going to accept either the amendment of my friend Mr. Mallaradhya or Mr. Narasimhan, because there is no reason why these invidious distinctions should be made with regard to the compensation payable to the landlord. In either of these cases, I support the amendments.

Sri KADIDAL MANJAPPA.—Sir, a charge is levied against the Government and the ruling party that they have tried to help the vested interests. Reference to Madras and Kerala enactments were made. My friend Mr. Narasimhan who sweared by the Kerala Bill may please tell me what is the provision in the Kerala Bill. The Hon'ble Member have got the capacity to confuse and create an impression in the public mind that our Bill is more onerous to the tenants than the other Bills.

Sri V. SRINIVASA SHETTY.—He has referred to Andhra and Madras Bills.

Sri KADIDAL MANJAPPA.—In Kerala, what is the compensation. It is 12 times the contract rent and not even less land revenue. It is 16

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times the fair rent. If fair rent is fixed. Otherwise, it is 12 times the contract rent. This is not beneficial for the tenants. Let me go to Madras:

“A sum equivalent to the net annual income from the land shall be determined in the first instance. The net annual income from the land shall be the amount of fair rent less the land revenue.”

What is rent payable in Madras? 40 per cent of the gross produce; 45 per cent and 35 per cent in the case of irrigated land. In the case of dry land it is 33½ per cent less land revenue. You go further. I have gone through. None of the Bills quoted by him are more beneficial to the tenants.

Sri M. C. NARASIMHAN.—I leave it to the Chair to decide. It is nine times the net annual income whereas, the net annual income is forty per cent as gross income, less land revenue. If what is proposed in our Bill is more, I am prepared to tender resignation to my Membership. I am yet to learn arithmetic from the Hon'ble Revenue Minister.

Sri J. B. MALLARADHYA.—It is a fair challenge that Hon'ble Minister for Revenue should accept. With reference to the Madras Bill and ours, the Secretariat may calculate and tell us whether ours is better.

Sri KADIDAL MANJAPPA.—I will read the entire thing.

“1. The compensation payable to any person under section 50 in respect of any land (other than the land specified in Part II) acquired by the Government under this Act shall be determined in the manner hereinafter in this Part specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rentless the land revenue.

*Explanation.*—In this paragraph “land revenue” shall.—

(a) in respect of any land in any area in the State other than the transferred territory, have the same meaning as in Explanation I to section 3 (42) and shall include, cess, additional surcharge and charge for water;

(b) in respect of any land in the transferred territory and specified in column (1) of the Table below, mean the amount mentioned in the corresponding entry in column (2) thereof:—

(1) Registered wet land.....Rs. 11.37 per acre

(2) Registered dry land.....Rs. 8.37 per acre.....

It is not the mere existing assessment that is in course. Some assessment per acre is mentioned here. It is not the actual assessment in vogue. If it is the actual assessment, why should they specify in

the Bill itself? Further, Sir, in the original Bill, the compensation provided was 15 times the net income. The Select Committee on which my Hon'ble friend Mr. Srinivasa Shetty was a Member.....

Sri V. SRINIVASA SHETTY.—I was unable to reduce it further.

Sri KADIDAL MANJAPPA.—We have reduced from 15 times—you have reduced it to 10 times. How are you calculating the net income. "The Tribunal shall estimate the gross income of the land with reference to the average annual gross yield of the land during a period of three years." It is gross average yield for the last three years and "at the average price prevailing during the period of ten years before such date." It is not the price prevailing to-day or on the date of vesting. It is the price prevailing during the period of ten years before such date. I am reading the explanation to clause 72. "and fifty per cent of the gross income so arrived at shall be deemed to be the net income of such land in the case of lands possessing facilities for assured irrigation from tanks or river channels and thirty-three and one-third per cent of the gross income in the case of other lands.

Sri M. RAMAPPA.—According to Mr. Mallaradhy, it is more.

Sri KADIDAL MANJAPPA.—I have calculated myself. In some cases, it comes to five hundred or four hundred or three hundred more than the price. But in some cases, the prices under section 47 works out higher.

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—47 (2) ಕ್ಲಾಸಿಫೈಡ್ಡ್ ಇದು ಎಕ್ಸೆಸಸ್ ಆಗುವುದಿಲ್ಲವೇ?

ಶ್ರೀ ಕದಿದಾಳ್ ಮಂಜಪ್ಪ.—ಅದಕ್ಕಿಂತ ಸ್ವಲ್ಪ ಜಾಸ್ತಿಯಾಗುತ್ತದೆ. ಒಮ್ಮೆಕೊಳ್ಳುತ್ತೇನೆ. ಇಲ್ಲ ಸ್ವಲ್ಪ ಜಾಸ್ತಿ ಇದೆ. ಆದರೆ three-fourths ಮಾರ್ಕೆಟ್ ರೇಟಿಂಗೋ ಬರುವುದಿಲ್ಲ.

ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಟೆನೆಂಟ್ಸ್ ಇಂಟರೆಸ್ಟ್ ಗಾರ್ಡ್ ಮಾಡುತ್ತೇವೆಂದು ಒಮ್ಮೆ ಕೊಂಡು, ಯಾರಿಗೋಸ್ಕರ ಈ ಜಮೀನನ್ನು ಕೊಂಡುಕೊಳ್ಳುತ್ತೀರ ?

Sri KADIDAL MANJAPPA.—This land is surplus land in the possession of the landlord. It will be distributed among the landless persons.

Mr. SPEAKER.—I will put amendment No. 169 of Sri V. S. Patil. The question is:

"That for the word 'ten' the word 'eight' shall be substituted."

*The amendment was negatived.*

Mr. SPEAKER.—I will put amendment No. 170 of Sri B. G. Khot. The question is:

"That for the words 'ten times' the words 'fifteen times' shall be substituted."

*The amendment was negatived.*



Mr. SPEAKER.—I will put amendment No. 174 of Sri J. B. Mallaradhya. The question is :

“That for the words ‘ten times.....who is entitled there to’ the words ‘the aggregate of—

(a) (i) fifteen times, the value in cash of one-fifth of the gross produce in the case of land possessing facilities for assured irrigation from a tank or river channel, less the land revenue of such land;

(ii) fifteen times the value in cash of one-fifth of the gross produce in the case of land other than land referred to in sub-clause (i) less the land revenue of such land :

Provided that where the rent in respect of the land was payable to the landlord under any contract and such rent or the value in the cash of such rent, was less than the value referred to in sub-clause (i) or sub-clause (ii), as the case may be, fifteen times of such rent or the value in cash of such rent, less the land revenue of such land:

Provided further that if the tenant in respect of the land was a permanent tenant, six times the excess of the rent payable under clause (b) of sub-section (1) of section 8 over the land revenue payable in respect of such land.

*Explanation.*—For purposes of sub-clauses (i) and (ii), the gross produce of the land shall be determined in accordance with the provisions of section 8 ;

(b) fifty per cent of the values of trees on the land, which belonged to the landlord, the gross produce of which is not taken into consideration for purposes of sub-clause (i) or (ii) of clause (a); and

(c) the depreciated value of any structures on the land constructed by the landlord shall be substituted.”

*The amendment was negatived.*

Mr. SPEAKER.—I will now put Sri Narasimhan's amendments. The question is :

“That in item (a) for the words ‘the average net annual income of the lands’ the words ‘one-third of the total compensation due under the clause’ shall be substituted.”

“In the explanation between the words ‘income so arrived at’ and ‘shall’ in line 8, the words ‘less the Land Revenue payable in respect of the said land’ shall be inserted.”

“At the end of the explanation the following provisos shall be added, namely:—

Provided that in the case of land which is not cultivated for a continuous period of three years, before the appointed day

the compensation shall be 25 per cent of the compensation calculated as aforesaid : Provided further in respect of forest land or grazing land the price and the gross income may be determined in the prescribed manner."

*The amendment was negatived.*

Mr. SPEAKER.—I will put clause 72 to the House. The question is:

"That Clause 72 stand part of the Bill."

*The motion was adopted.*

Clause 72 was added to the Bill

Mr. SPEAKER.—The question is :

"That Clauses 73, 74, 75 and 76 stand part of the Bill".

*The motion was adopted.*

Clauses 73, 74, 75 and 76 were added to the Bill.

*Clause 77.*

Sri M. C. NARASIMHAN.—Sir, I beg to move :

"That for items (i) to (vi) the following shall be substituted.---

(i) where the surplus land belonged to a person who at any time before the appointed day by resuming land from his tenant for personal cultivation under any tenancy law, has rendered that tenant landless, the surplus land shall be first offered to that tenant, to an extent of not less than one basic holding;

(ii) where the surplus land is situated within the area benefited by any irrigation project (such area being notified in the Gazette) the surplus land shall next be offered to the person, who is rendered landless (to the extent of not less than one basic holding) or whose land is reduced to less than one-sixth of the ceiling area by reason of acquisition of any of the lands for that project ;

(iii) where as a result of the acquisition of his land for public purpose any person has been landless (or his land is reduced to less than one-sixth of the ceiling area) the surplus land shall then be offered to him ;

(iv) thereafter all surplus lands including surplus land which has not been granted under (i) (ii) (or (iii)) shall be granted in the following order of priority ; viz. (a) Displaced tenants (b) Landless Agriculturists residing in a village and agricultural labourers (c) Tenants and displaced tenants less than basic holding and owner cultivators with less than a basic holding (d) Tenants and displaced tenants with less than a family holding, to owner cultivators with less than a family holding (e) Other persons intending *bona fide* to take up to agriculture (f) Co-operative farms whose Members belong to classes (b) or (c) or both.

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While distributing land under the foregoing provision the Tribunal shall generally and wherever possible, grant surplus land to the extent indicated below :—

Landless persons whether as tenants or agricultural labourers or landless agriculturists. ...	}	not less than one basic holding.
Persons possessing less than a basic holding. ...		not less than the extent required to make up a basic holding.
Persons possessing less than a family holding. ....	}	not less than the extent required to make up a family holding.
Persons under (e) above.		not more than one family holding.
Co-operative Farms under above.	}	not more than the aggregate of such number of family holdings as there are Members of the Co-operative Farms.

Mr. SPEAKER.—Amendment moved :—

“That for items (i) to (vi) the following shall be substituted.—

(i) where the surplus land belonged to a persons who at any time before the appointed day by resuming land from his tenant for personal cultivation under any tenancy law, has rendered that tenant landless, the surplus land shall be first offered to that tenant, to an extent of not less than one basic holding ;

(ii) where the surplus land is situated within the area benifited by any irrigation project (such area being notified in the Gazette) the surplus land shall next be offered to the person, who is rendered landless (to the extent of not less than one basic holding) or whose land is reduced to less than one-sixth of the ceiling area by reason of acquisition of any of the lands for that project ;

(iii) where as a result of the acquisition of his land for public purpose any per-on has been landless (or his land is reduced to less than one-sixth of the ceiling area) the surplus land shall then be offered to him ;

(iv) thereafter all surplus lands including surplus land which has not been granted under (i) (ii) or (iii) shall be granted in the following order of priority ; viz. (a) Displaced tenants (b) Landless Agriculturists residing in a village and agricultural labourers (c) Tenants and displaced tenants with less than basic holding and owner cultivators with less than a basic holding (d) Tenants and displaced tenants with less than a family

holding to owner cultivators with less than a family holding  
 (e) Other persons intending *bona fide* to take up to agriculture  
 (f) Co-operative farms whose Members belong to classes (b) or (c) or both.

While distributing land under the foregoing provision the Tribunal shall generally and wherever possible, grant surplus land to the extent indicated below:—

Landless persons whether as tenants or agricultural labourers or landless agriculturists. ...	}	not less than one basic holding.
Persons possessing less than a basic holding. ...		not less than the extent required to make up a basic holding
Persons possessing less than a family holding. ....	}	not less than the extent required to make up a family holding
Persons under (e) above.		not more than one family holding
Co-operative Farms under (f) above.	}	not more than the aggregate of such number of family holdings as there are Members of the Co-operative Farms.

Sri G. VENKATAI GOWDA.—Sir, I beg to move :

“That items (ii), (iii), (iv) and (v) shall be renumbered as items (i), (ii), (iii), and (v) respectively and item (i) shall be renumbered as item (v)”

Mr. SPEAKER.—Amendment moved :

“That items (ii), (iii), (iv) and (v) shall be renumbered as items (i), (ii), (iii), and (iv) respectively and item (i) shall be renumbered as item (v)”.

Sri J. B. MALLARADHYA.—Sir, I beg to move :

“That (1) items (ii), (iii), (iv), (v), and (i) shall be renumbered as items (i), (ii), (iii) (iv) and (v) respectively.

(2) in item (vi) for the words ‘other persons...cultivation...’ the words ‘other persons desiring to take up personal cultivation, who are not income tax assesseees and those who pay sales tax in excess of Rs. 250’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

(1) Items (ii), (iii), (iv), (v) and (i) shall be renumbered as items (i), (ii), (iii), (iv) and (v) respectively.

(2) In item (vi) for the words ‘other persons ..... cultivation .....’ the words ‘other persons desiring to take up personal cultivation, who are not income tax assesseees and those who pay sales tax in excess of Rs. 250’ shall be substituted.”

Sri J. B. MALLARADHYA.—Sir, I beg to move :

“(1) That in the first paragraph, for the words and figures ‘under Section 59’, the words, figures and brackets ‘under sub-section (6) of Section 45 and Section 59’ shall be substituted.”

For the second paragraph, the following proviso shall be substituted, namely :—

“provided that in granting land under this section, the Tribunal shall give preference to the tenant, sub-tenant or other person who immediately prior to the vesting of the land in the State Government cultivated the land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section ; and such grantee shall hold such land as registered occupant or as holder of ryotwari patta”.

Mr. SPEAKER.—Amendment moved :

Sri J. B. MALLARADHYA.—Sir, I beg to move :

“(1) That in the first paragraph, for the words and figures ‘under Section 59’, the words, figures and brackets ‘under sub-section (6) of Section 45 and Section 59’ shall be substituted.”

For the second paragraph, the following proviso shall be substituted, namely :—

“provided that in granting land under this section, the Tribunal shall give preference to the tenant, sub-tenant or other person who immediately prior to the vesting of the land in the State Government cultivated the land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section ; and such grantee shall hold such land as registered occupant or as holder of ryotwari patta”.

Sri V. S. PATIL.—Sir, in view of the amendment moved by my Hon’ble friend Sri Narasimhan, I do not think it necessary to move my amendment No. 177.

† Sri M. RAMAPPA.—Sir, for instance, if it is a society consisting of both displaced tenants and otherwise, to whom the land will be allotted. It will be allotted only to the farms and not to the tenants. So, it is not clear. If it is to the displaced tenants, there will be no difficulty. That is the object of our amendment. But under the provisions of the Bill, it appears that it will be allotted not to the displaced tenants or to the landless agriculturists but to the co-operative farm. If we cannot conceive of a co-operative farm consisting of purely displaced tenants or landless agriculturists, then you are not giving preference to the classes coming under (ii) and (iii). I want the Hon’ble Minister to make this position clear.

† Sri KADIDAL MANJAPPA.—Sir, the intention was that if there is a co-operative farm consisting of Members belonging to class (ii) or class (iii) or to classes (ii) and (iii), land will be given to them. But

if there are others, preference will not be given. If displaced tenants and agricultural labourers exclusively form a co-operative society, preference will be given to such societies.

Sri M. RAMAPPA.—If it consists of both displaced tenants and land owners, will you give preference to it ?

Sri KADIDAL MANJAPPA.—It will not apply.

† Sri M. C. NARASIMHAN.—Sir, so far as my amendment is concerned, I have sought to change the order of priority. So far as the minimum extent of land that is to be granted is concerned, I have not made any changes and have stuck to the scheme of this particular section.

Firstly, I must explain why we do not want to have co-operative farms to have the first order of priority. Though it is true that the Select Committee has changed the proposals regarding co-operative farms, still the first order of priority given to them under this clause will mean a sort of difficulty and obstacle in the way of other tenants and other landless people getting land. So far as we are aware, it is not that to day we are having co-operative farms exclusively confined to these two categories all over the State. There are very few of them and even if they be one or two, they may come into being after the appointed day. Till such time as they come into being, the other priorities will have to wait. Either they may wait or alternatively what may happen is that the co-operative farms themselves may not come up because the persons coming under (ii), (iii) and (v) will have got most of the land and there will be very little land left over for distribution to co-operative farms. Looked at from either angle, it looks hypothetical and impractical to assign the co-operative farms the first place in the order of priority. The tribunal will not be able to give lands to really those who are land hungry and with due haste it will not be possible. It is with that end in view that the co-operative farming society should have the last priority.

4-30 P.M.

Looked into the Maharashtra Act, for instance, the order of priority is exactly what I have mentioned in the amendment. I have not tried to put in my ideas but I have copied Section 27 of the Maharashtra Act. It has already received the assent of the Governor and is in force.

One thing that is to be said in respect of the displaced persons. Two or three categories are made. First, a tenant who is rendered landless by way of resumption clause. Displacement might have taken place to the act of himself or the landlord. In my amendment it definitely says that the order of priority should be given only to those who have been displaced by an act of a landlord. In cases of irrigation projects a large number of persons have been rendered landless or the extent of land has been reduced by reason of irrigation projects or by some other public purpose. In the scheme of things proposed in the Bill, there is no such thing. It may be given or may not be given any priority.

(Sri M. C. NARASIMHAN)

For instance, person who has been rendered landless may not get priority against the person who has been displaced. The order of priority would only first to displaced persons and then only to the landless persons. That is unfair because it is the State that does a particular act and as a result of that some persons are deprived of their land and some other persons are considered with sympathy. After all that has been the insistent demand in this House also. I do not know why the persons who have been deprived of land by an act of Government should not get priority. After all they were agriculturists before the project came into being. Such persons should definitely get priority and their interest should be taken care of.

So far as the rest of the order of priority is concerned, I want to say one or two words. Landless agriculturist is a vague term because agriculturist according section 2 is a person who cultivates the land personally. We know that even a person who is not residing in a particular village can as well be brought under the term of agriculturist because he can cultivate personally through a servant. I have taken care to see that unless he resides in the village he shall not be entitled to get land. Such an agriculturist who is prepared to cultivate the land through a servant can come in the last category.

With these words I request that my amendment may kindly be accepted.

†Sri G. VENKATAI GOWDA.—Clause 77 is about disposal of surplus land. My amendment is very simple it seeks to reclassify the numbers. You have stated that the co-operative farming society is one whose members belong to classes referred to in clauses 2 and 3 and they should receive the first priority. I would invite the attention of the Hon'ble Member to clause 89 :

“Any ten or more persons of a village or two or more contiguous villages holding between them either as land owners or tenants, rights in and possession over fifty acres or more...”

There is no question of a co-operative farming society being in existence having less than 50 acres. The primary requisite to have a co-operative society is it should have fifty acres. You have stated that displaced persons having no land and landless agriculture labourers were to be in a co-operative farming society, have to be given preference and given priority. Can the Hon'ble Minister say that there can be a co-operative farming society with displaced persons having no land and with landless agriculturists as labourers and the society having less than 50 acres? There cannot be any co-operative farming society with displaced tenants having no land and with landless agriculturists and labourers. Therefore, it is inconsistent in any sense to give priority to co-operative farming societies as No. 1. It can as well be brought under the category of No. 5. If the Hon'ble Minister were to concede to this simple amendment, it would secure justice in the matter of disposing of the surplus land to various agencies.

†Sri J. B. MALLARADHYA.—I hope by now the Hon'ble Minister for Revenue will have realised the mistake. The whole section is misconceived. They cannot form a society with less than 50 acres. How can a co-operative farming society come into existence with landless agriculturists and labourers? It is very obvious that highest priority should be claimed by displaced persons who have no lands. Then should come the land less agriculturists, the third category of persons are those tenants who have less than a basic holding, the fourth category should be the tenants with less than a family holding and owner-cultivators with less than a family holding.

It is obvious that the classification has got to be changed a bit. In regard to co-operative farms, it seems from the scheme of this Bill that you some how or other want to give a push to co-operative farming. I am absolutely in favour of co-operative farming. So far as my party is concerned, we equally swear by co-operative farming if the co-operative farms are managed on unexceptionable lines and managed by competent persons known for integrity, character and honesty and who are actuated to serve the cause of the poor peasants. Even under these conditions, why should a co-operative farming society get priority in the scheme? And it seems to me that if this section is allowed to be passed into law as it is there won't be any surplus land available for distribution under section 77 at all. In the matter of disposal of surplus land, I think the co-operative farming societies should claim one fifth priority according to me, and not first. However laudable the intentions may be in giving stimulus to the growth of co-operative farming in the State as a national policy which you have declared, I consider that in the matter of disposal of surplus land, you cannot make use of the co-operative farms to supplant more deserving people. ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡು ಬಿಟ್ಟರೆ ನಾನು ಮಾತನಾಡುವುದಿಲ್ಲ. ಎಲ್ಲಾ ಜಾತಿಗಳಿಗೆ ಸೇರಿದವನು ಸೂ ಹೆಚ್ಚಿನ ಅವಕಾಶಕರವಿದೆ.

My amendment in regard to item (vi) is very clear. "other persons desiring to take up personal cultivation..." If you leave 'other persons' I am afraid there is likely to be a lot of misuse of the facilities offered to people. Suppose I come to you tomorrow with an application in respect of surplus land available, I want ten acres for personal cultivation. Supposing I am not elected. ಆಗ ಹತ್ತು ಎಕರೆ ಕೊಟ್ಟರೆ ಗತಿಹೇನು? It gives room that kind of mischief. ರೆವಿನ್ಯೂ ನಡವರು ಇದನ್ನು ಒಪ್ಪಿಕೊಂಡರೆ ಮುಂದಿನ ವಿಚಾರಕ್ಕೆ ಹೋಗಬಹುದು.

I want the Revenue Minister to read my amendment for the second paragraph, which reads as follows:

"provided that in granting land under this section, the Tribunal shall give preference to the tenant sub-tenant or other person who immediately prior to the vesting of the land in the State Government cultivated the land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section,....."



(Sri J. B. MALLARADHYA).

This amendment is in accordance with the amendment accepted by the House in respect of section 45 moved by the Honourable Minister. According to his amendment, fresh sub-clauses were added to clause 45 as sub-clauses (5) and (6). Sub-clause (6) says:

"The land held by a tenant before the date of vesting and in respect of which he is not entitled to be registered as an occupant or to a ryotwari patta under this section, shall be disposed of in the manner provided in section 77."

Sub-clause (5) is:

"If a tenant referred to in sub-section (1) has sub-let any land contrary to the provisions of any law, he shall not be entitled to be registered as an occupant or to a ryotwari patta of the land so sub-let."

So the sub-tenant should not be allowed to suffer. Earlier the Honourable Minister for Revenue admitted that the poor sub-tenant should not be allowed to suffer. If you accept my amendment it will be in consonance with your desire to help the poor sub-tenant.

†Sri KADIDAL MANJAPPA.—I accept the entire amendment proposed by the Leader of the Opposition to clause 77, in the 12th list but not the other amendment in the Third List.

With regard to the amendment of my friend Sri Venkatai Gowda, apparently there is some mistake which the Select Committee has not noticed. I would like to suggest that item (ii) may be renumbered as item (i), item (iv) as item (iii), item (iii) as item (ii) and item (v) as item (iv).

Clause (i) will become clause (iv) and the other clauses will be renumbered as (i), (ii) and (iii). Now, it should be read as follows:

"Co-operative Farms, the majority of whose members belong to the classes referred to in (i), (ii) and (iii)."

There is no bar that the landless person should not enter the co-operative farms.

Sri G. VENKATAI GOWDA.—Sir, why not the amendment be moved from this side?

Sri KADIDAL MANJAPPA.—I have no objection.

Sri H. K. VEERANNA GOWDH.—I move.

"That clauses (ii), (iii), (iv) be renumbered as (i), (ii), (iii) respectively and clause (i) as (iv) with the modification that the co-operative farms, the majority of whose members belong to the classes referred to in (i), (ii) and (iii)."

Mr. SPEAKER.—The question is:

"That clause (ii) (iii) (iv) be renumbered as (i) (ii) (iii) respectively and clause (i) as (iv) with the modification that the co-operative farms, the majority of whose members belong to the classes referred to in (i) (ii) and (iii)."

*The amendment was adopted.*

Sri J. B. MALLARADHYA.—What about my amendment ?

Sri KADIDAL MANJAPPA.—Regarding other persons desiring to take up personal cultivations, we need not mention. The land grants are made not to persons paying income-tax. This is only to persons who are landless. If there is surplus after all that, we will consider.

Sri J. B. MALLARADHYA.—Then, I will withdraw my amendment.

*The amendment was, by leave of the House withdrawn.*

Mr. SPEAKER.—Sri Narasimhan's amendment. The question is.

“That item (iv) shall be renumbered as item (i) and item (i) as item (iv)”

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“That (1) in the first paragraph, for the words and figures ‘under section 50’, the words, figures and brackets ‘under sub-section (6) of section 45 and section 59’ shall be substituted”.

“(2) for the second paragraph, the following proviso shall be substituted, namely.—

Provided that in granting land under this section, the Tribunal shall give preference to the tenant sub-tenant or other person who immediately prior to the vesting of the land in the State Government cultivated and land and who under the provisions of this Act is not precluded from holding the land that may be allotted to him under this section ; and such grantee shall hold such land as registered occupant or as holder of ryotwari patta.”

*The amendment was adopted.*

Mr. SPEAKER.—The question is :

“That Clause 77 as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 77, as amended, was added to the Bill.

Mr. SPEAKER.—Clause 78.

Sri V. S. PATIL.—I beg to move.

“That in Clause 78, item (i) of sub-clause (2) for the words ‘ten’ the word ‘eight’ shall be substituted.”

Sri J. B. MALLARADHYA.—I beg to move.

“That in item (1) of sub-clause (2) for the words ‘ten times the average net annual income in respect’ the words ‘fifteen times the value in cash of one-fifth of the gross produce’ shall be substituted.”

Mr. SPEAKER.—Amendment moved.

“That in Clause 78, item (1) of sub-clause (2) for the word ‘ten’ the word ‘eight’ shall be substituted.”

“That in item (i) of sub-clause (2) for the words ‘ten times the average net annual income in respect.’ the words ‘fifteen times the value of one-fifth of the gross produce’ shall be substituted.”

Amendment No. 180 does not survive.

†Sri V. S. PATIL.—Sir, so far as the present amendment is concerned, I should like to say that this surplus land when it is to be given to the actual cultivators as decided in clause 77, what price is to be taken from those persons is to be decided now. The proposal of the Joint Select Committee is ten times the average net annual income in respect of the land. This is too high and it has been practically admitted by the Hon ble Revenue Minister that it is just nearing the market value.

Sri KADIDAL MANJAPPA.—I never said that it is just nearing the market value. It does not come to even  $3/4$  of the market value.

Sri V. S. PATIL.—Even then, it is nearing the market value. When we are intending to give the land to the displaced tenants having no land, landless agriculturists and agriculture labourer, is it ever possible for those persons to pay such a high price for getting the land? Or, is it the intention of the Government that those lands should again revert back to the wealthy persons because of these four categories mentioned here will be made unable to purchase the land? It means, “other persons desiring to take personal cultivation”. Only these people will be enabled to purchase such lands.

If this is the intention of the Government Sir, then certainly the very purpose for which we are enacting this law will be defeated. We are not making any concession for the agricultural operators or the cultivators as such and hence Sir, I have proposed that there should be a slight at least a slight decrease in the price which the actual cultivator has to pay for such surplus land.

5-00-P-M

†Sri J. B. MALLARADHYA.—Sir, I have already stated my reasons as to why it should be on a par with compensation referred to in clause 72. I personally feel that this section relates to the disposal of land in respect of cases referred to in clause 77. I do not think any of these categories—displaced tenants, landless agriculturists and agricultural labourers, can afford to pay such an exorbitant rate. My friend the Hon’ble Revenue Minister agreed that 10 times the net average annual income is wholly in excess of what is provided in clause 47. I am asking the Government, why should not they allow the benefit of this clause go to three categories of persons who cannot afford to pay even 100-extra? whereas you are now fixing it at not less than 500—more than those that come under clause 47. The injustice of the case is very

apparent and I hope the Government will change their mind and at least in respect of this they will either accept Mr. V. S. Patil's amendment or accept my amendment. We have been pleading, if not valiantly, at least very sincerely and wholeheartedly, in favour of the tenant, in favour of the landless agriculturist and in favour of the agricultural labourer. Government will be prepared to spend money out of their coffers and when it comes to a question of disposal of land it will buy it at any rate. I therefore plead that this amendment may be accepted, not out of any prestige, but at least in the interest of agricultural labourers and landless tenants.

†Sri M. C. NARASIMHAN.—Sir, there is only one small observation which should be made because the very essence of all the clauses is contained in clause 78. The clause as worded will make it impossible for anybody to purchase lands. I have submitted already that ten times the net annual income has to be paid as the price in 20 equated annual instalments. Forgetting for the moment that the purchaser has also to pay interest, even then it will come to a quarter of the gross produce. It means that every year he will have to pay  $1/4$  of the gross produce as rent; the cost of the cultivation whether as a landlord or as the tenant, it will be equal to half the produce or one quarter depending on the quality of the land. In effect, what it would mean is, every year, he will have to pay as cost of cultivation, half the gross produce, towards the purchase price one quarter of the gross produce and what remains to him will be just one-quarter of the gross produce. And even out of that, he is required to pay interest for the purchase and what is left after all this, he can utilise for the purpose of his own maintenance and subsistence. What investment can he make for the improvement of the land and how can that man survive as an honourable citizen of the State? I am saying that ten times the net annual income as envisaged here would be enough for any person to be dispelled and after all, what is the concession which you want to confer on him by conferring on him the ownership of the land. I am sure that after passing this clause if Mr. Kadidal Manjappa goes to his constituency and explains in clear terms this very clause, no tenant or landless agriculturist will bless him and no tenant would offer to buy the land.

Sri KADIDAL MANJAPPA.—The Hon'ble Member should not forget that this clause does not apply to non-resumable lands which will be left to the tenants.

Sri M. C. NARASIMHAN.—Sir, whatever that be, anybody claiming land under section 78 any surplus land, whether as a tenant or otherwise as determined under section 77, will have to pay 10 times the net annual income, that is spread over 20 years which will amount to  $1/4$  of the gross produce. Half the gross produce goes towards the cultivation costs and  $1/4$  of the gross produce is all that is left with the tenant to survive as an honourable citizen. Is it possible, is the question. I am sure any landless labourer will be frightened and he will exclaim that this is the sort of ownership you are likely to confer on him.

Sri J. B. MALLARADHYA.—I would like to invite the attention of the Hon'ble Minister to Clause 77 which contemplates acquisition under Section 131. The Hon'ble Minister for Revenue should have a look at that. So, it is not only these lands which have been referred to in 7(2). So, the scope of this clause is not restricted and its object is much wider than what we thought in the beginning.

Sri M. C. NARASIMHAN —Sir, with this clarification accepted by the Hon'ble Minister, it is obvious that whatever be the type of distribution of the surplus land, this onerous burden will be there on the tenant. If this is the pattern, if this is the scheme of ownership that is sought to be conferred on the tenant, then woe be to the tenant. I am sure there will not be very many tenant who will offer to purchase. Added to this burden, there will be  $4\frac{1}{2}$  per cent interest also spread over 20 equated instalments. It will amount another 5,000 which he will have paid by way of interest. Therefore you will kindly see that the scheme will be self-defeating if Clause 78 is accepted and ultimately there will be no tenant who can claim the right of ownership nor who can really be benefited by Section 78; unless it is drastically amended, I am certain that very few tenants will be able to derive benefit. We will be in a more regrettable position and as my friend Sri H. M. Channabasappa said, one will have to come before the House with an amendment. I am sure that would be the position if you accept this scheme of things as envisaged in Clause 78.

†Sri M. RAMAPPA.—Sir, when we opposed this compensation under 72, we say the difficulty would arise under Clause 78, that the landless persons, displaced tenants will have to get lands at a higher rate. Sir, there may be difficulty if the Hon'ble Minister expects this category of people to pay ten times the net annual income for the land owners. Here the Hon'ble Minister will have to bear in mind that he is charging interest also. He is not coming at the same time with any right touching the compensation as paid land owners. Here he is recovering interest at  $4\frac{1}{2}$  per cent. We are agreeable if some small rate of interest it may be  $2\frac{1}{2}$  or 3 per cent in which case, it will be equal to 10 times. So I request the Hon'ble Minister to accept at least the amendment of Sri V. S. Patil which will be 8 times the net average income which would ultimately come to even 10 times, because you are charging interest to the purchaser So it will not be less than what we are paying to the land-owner. There is no difficulty because the Hon'ble Minister may not be afraid that they will be giving away land for an unduly low price, because they are charging interest. It is therefore better from that point of view to accept this amendment. Otherwise, Government would be making money at the cost of somebody else and will be charging the same to the poor landless labourer. I therefore request the Hon'ble Minister to accept 8 times the average income.

†Sri G. VENKATAI GOWDA.—It is very desirable that my friend's amendment be accepted for the simple reason that the Government would have collected principal as well as interest, in my amount, double the amount. Thereby Government is not going to lose anything. On the other hand it appears as if the Government has advanced a loan would acquire interest at  $4\frac{1}{2}\%$ . Take the instance of dry lands. Even 8 times is in my opinion a big sum. In dry lands the average yield is 4 pallas. The net income will be 2 pallas which would work out to Rs. 40 or 50. In dry lands you get Rs. 200 or 300, which is more than the market price. Therefore it would be appropriate if it is brought in line and is reduced to 8 times instead of 10 times.

†ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈ ಆದಳಿತ ಪಕ್ಷದವರು ಮಾತನಾಡಿದರೆ ದೇಶದಲ್ಲಿ ನೋಟಿಯ ಲಿಸ್ಟ್ ಪ್ಯಾಟರ್ನ ಸೊಸೈಟಿ ಸ್ಥಾಪನೆ ಮಾಡುತ್ತೇವೆಂದು ಬಾಯಿನಲ್ಲಿ ಹೇಳುತ್ತಾ ಆಡರಣೆ ಮಲ್ಲಿ ಪ್ರತಿಯೊಂದು ವಿಚಾರದಲ್ಲೂ ಹಣವಂತರ ಕಡೆಗೇ ಮಾತನಾಡುತ್ತಿದ್ದಾರೆ. ಬಾಯಿನಲ್ಲಿ ಬಡವನಿಗೆ ಜಮಾನು ಕೊಡುತ್ತೇವೆಂದು ಹೇಳುತ್ತಿದ್ದಾರೆ ಎನಾ ಕಾರ್ಯತಃ ಭೂಮಾಲಕನಿಗೆ ಎಲ್ಲವನ್ನೂ ಲಗವನ್ನೂ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಹೀಗಾದರೆ ಇನ್ನು ಆ ರೈತ ಬದುಕುವುದು ಹೇಗೆ? ಅವನು ನಾಗರಿಕ ಪ್ರಪಂಚದಲ್ಲಿ ಇತರರಿಂತೆ ಆತನ ಮಕ್ಕಳನ್ನು ವಿದ್ಯಾವಂತರನ್ನಾಗಿ ಮಾಡ ಬೇಡವೇ, ಆತನಿಗೂ ಒಂದು ಮನೆ, ಮಠ ಇರುವುದು ಬೇಡವೇ? ಈ ದಿವಸ ಸರ್ಕಾರದವರು ಹೇಳೋ ರೀತಿ ಆ ಬಡ ರೈತ ಅಷ್ಟು ಹಣ ಕೊಟ್ಟು ಆ ಭೂಮಿಕೊಳ್ಳಬೇಕಾದರೆ ಅವನಿಗೆ ಏನಾಗ ಬೇಕು? ಆತನ ಸ್ಥಿತಿಗತಿಗಳೇನೆಂಬುದನ್ನು ಅರಿಯುವುದು ಬೇಡವೇ? ಆತನ ನಾಡಬ್ರಹ್ಮವನ್ನು ದಿಡು ನೋಡುವುದು ಬೇಡವೇ? ಆ ಬಡಪಾಯಿ ಭೂಮಾಲಕನಿಗೆ ಇಷ್ಟೆಲ್ಲ ಹಣ ಕೊಟ್ಟು, ಅದಕ್ಕೆ ಮೇಲೆ ಬಡ್ಡಿ ಕೊಟ್ಟು ಜಮಾನುಕೊಂಡರೂ ಆತನಿಗೆ ಇತರ ಬರ್ಚುವೆಡ್ಡುಗಳೆಷ್ಟೆ? ಅವನು ಎತ್ತುಗಳನ್ನು ಕೊಳ್ಳಬೇಕು, ಭೂಮಿಗೆ ಗೊಬ್ಬರ ಹಾಕಬೇಕು. ಬತ್ತನೆ ಬೀಜ, ಬೇಸಾಯ ಹೀಗೆ ಆತನಿಗೆ ಎಷ್ಟು ಬರ್ಚುವೆಡ್ಡುಗಳಿವೆ? ಇಷ್ಟೆಲ್ಲ ಆದರೆ ಆಗ ಅವನೂ ಆ ಜಮಾನಲ್ಲಿ ಅಷ್ಟಿಷ್ಟು ಬೆಳೆ ತೆಗೆಯಬಹುದು. ಆದರೆ ಈ ದಿವಸ ಈ ಕಾಣ್ಪಿನಲ್ಲಿ ಏನು ಹೇಳಿದ್ದಾರೆನೋ ಇದು ಶ್ರೀ ಮಂತ್ರನಿಗೆ ಭೂಮಾಲಕನಿಗೆ ಅನುಕೂಲವೇ ಎನಾ, ಆ ಬಡ ರೈತನಿಗೆನೂ ಅನುಕೂಲವಿಲ್ಲ ವೆಂಬುದು ಸರ್ವವಿಧಿತವಾಗಿದೆ. ನಮ್ಮ ಸ್ನೇಹಿತರಾದ ಶ್ರೀ ಬೋತ್‌ರವರಿಗೆ ಹೊಗೆಸೊಪ್ಪು ನಲ್ಲೆ 30-40 ಸಾವಿರ ರೂಪಾಯಿಗಳ ಸಂಪಾದನೆ ಇದೆ. ಆದ್ದರಿಂದ ಅವರು ಭೂಮಾಲಕರ ಹಿತ ಸಾಧನೆ ಹೊರಟಿದ್ದಾರೆ. ಆದರೆ ಅವರ ಬಾಯಿನಲ್ಲಿ ಆಕಂಸೆಯೇ ಪರಮೋಧರ್ಮ ಎಂದು ಹೇಳುತ್ತಾ ಬಡ್ಡಿಗೆ ಬಡ್ಡಿ ಹಾಕಿ ವಸೂಲಾಡುತ್ತಾರೆ. ಈ ದಿವಸ ಸರ್ಕಾರದವರು ಹೇಳು ತ್ತಿರುವಂತಹ ಸರ್ವೇ ಜನಾನುಬಿನೋಭವಂತು ಎಂಬುದು ಈ ವಿಚಾರದಲ್ಲಿ ಏಕೆ ಕಾಣುತ್ತಿಲ್ಲ? ಸರ್ಕಾರದವರು ಈ ನೀತಿಯನ್ನು ಒಳ ಹೊಕ್ಕು ನೋಡಿದರೆ ಅವರು ಅಪ್ರತ್ಯಕ್ಷವಾಗಿ ಮುಂದೆ ದೇಶಾದ್ಯಂತವೂ ಆ ಕೋ-ಆಪರೇಟಿವ್ ಫಾರಂಗಳನ್ನು ಜಾರಿಗೆ ತರಬೇಕು. ಆಗಿರತಕ್ಕ ಪದ್ಧತಿಯನ್ನೆಲ್ಲ ನಮೂದ ಶೇಷ ಮಾಡಬೇಕೆಂಬ ಇರಾಜೆ ಇವಂತೆ ಕಾಣುತ್ತದೆ. ಆ ಬಡವನಿಗೆ ಏನೋ ಅನುಕೂಲ ಮಾಡುವಂತೆ ಹಣವನ್ನು 20 ಕಂತುಗಳಲ್ಲಿ ಕೊಡಬಹುದೆಂದು ಹೇಳಿ ಅದಕ್ಕೆ ಸರ್ಕಾರದವರೇ ಸಾಲ ಕೊಟ್ಟಿದ್ದರೆ ಹೇಗೆ ಬಡ್ಡಿ ವಸೂಲಾಡುತ್ತಿದ್ದರೋ ಹಾಗೆ ಶೇ. 4 ಯಂತೆ ಬಡ್ಡಿ ಬೇರೆ ಹಾಕಿದ್ದಾರೆ. ಇದನ್ನೆಲ್ಲಾ ಸ್ವಲ್ಪ ರೆಕ್ಕೆ ಹಾಕಿ ನೋಡಿದರೆ ಆ ಬಡಪಾಯಿಗೆ ರೂಪಾಯಿನಲ್ಲಿ 8 ಆಣೆ ವ್ಯವಸಾಯದ ಬರ್ಚಿಗೆ ಹೋದರೆ ಇನ್ನುಳಿದ 8 ಆಣೆಗಳಲ್ಲಿ  $4\frac{1}{2}\%$  ಆಣೆ ಆ  $4\frac{1}{2}\%$  ಬಡ್ಡಿಗೆ ಹೋಗುತ್ತೆ. ಇನ್ನುಳಿಯುವ ಆ 2½ ಆಧವಾ 3 ಆಣೆಗೆ ಈಗಿನ ದುಡ್ಡಿನ ಬೆರೆಯ ಪ್ರಕಾರ 19-20 ನ. ಪೈ. ಆಗುತ್ತೆ ಈ 20 ನ. ಪೈ. ಗಳಾದರೂ ಅವನಿಗೆ ಉಳಿಯುವುದು ಬೇಡವೇ ಈ ಕಾಂಗ್ರೆಸ್ ಆದಳಿತಗಾರರ ಕಾಲದಲ್ಲಿ ಆ ಬಡ ಜನರ ಕರುಳನ್ನು ಏಕೆ ಕಿತ್ತು ಹಾಕುತ್ತೀರಿ

(ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕುಣ್ಣಪ್ಪ)

ಹಾಗೆ ಮಾಡಬೇಡಿ ಎಂತ ನಾನೀಗ ಈ ಅಡಳಿತ ವರ್ಗದವರನ್ನು ಕೇಳಿ ಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ. ಹೀಗೆಲ್ಲ ಬಡವನ ಕಣ್ಣಿನಲ್ಲಿ ನೀರು ಬರುವ ಕಡೆ ರಕ್ತ ಬರುವಂತೆ ಮಾಡಬೇಡಿ ಎಂತ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈಗ ಈ ಬಿಲ್ಲನ್ನು ತಂದಿರತಕ್ಕ ಶ್ರೀ ಕಡಿವಾಳ್ ಮಂಜಪ್ಪನವರು ಬಹಳ ದಯಾಮಯರಾಗಿದ್ದರು. ಆದರೆ ಈಗೇಕೋ ಈ ರೀತಿ ಆಗಿದ್ದಾರೆ. ದೇವರು ಇವರಿಗೆ ಒಳ್ಳೆಯ ಹೃದಯವನ್ನು ಏಕೆ ಕೊಡಲಿಲ್ಲವೋ ಅದು ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಈ ದಿವಸ ಈ ಸರ್ಕಾರದವರು ಈ ಭೂಮಿಪಾಲಕರನ್ನು ಶಿಶುಪಾಲ ಕರನ್ನಾಗಿ ಅವರ ಈ ನರಮೇಧಯಾಗವಿಂದ ದೇಶದಲ್ಲಿ ಮತ್ತೊಂದು ಶ್ರೀಮಂತ ವರ್ಗವನ್ನು ಆ ರಷ್ಯಾದಲ್ಲಿ ಕೃಶ್ಣೇಶ್ವರವರು ಮಾಡುವಂತೆ ಮಾಡಬೇಡಿ ಎಂತ ಕೇಳಿ ಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ. ಕಾಂಗ್ರೆಸ್ ಭಕ್ತರಿಗೆ ಕಮ್ಯುನಿಜಂ ವಿರೋಧಿ. ಆದರೆ ಅಂಥ ಕಮ್ಯುನಿಷ್ಟ್ ಪಕ್ಷಕ್ಕೆ ಈಗ ತಿದ್ದುಪಡಿ ತಂದಿರ ತಕ್ಕ ನನ್ನ ಸ್ನೇಹಿತರು ಸೇರಿದ್ದರೂ ಅವರ ತಿದ್ದುಪಡಿ ಬಡವನನ್ನು ಉದ್ಧಾರ ಮಾಡತಕ್ಕ ದ್ದಾಗಿದೆ. ಆದ್ದರಿಂದ ಸರ್ಕಾರದವರು ದಯವಿಟ್ಟು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಂಡು ಬಡ ರೈತನಿಗೆ ಸ್ವಲ್ಪ ಅನುಕೂಲ ಮಾಡಿಕೊಡಿ ಎಂತ ಹೇಳಿ ನಾನು ಈಗ ಸಭೆಯ ಮುಂದಿಟ್ಟಿರುವ ಶ್ರೀ ನರಸಿಂಹನ್ ರವರ ತಿದ್ದುಪಡಿಯನ್ನು ಸಭೆಯವರೂ ಮತ್ತು ಸರ್ಕಾರದವರೂ ಒಪ್ಪಿಕೊಳ್ಳ ಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

† ಶ್ರೀ ಕಡಿವಾಳ್ ಮಂಜಪ್ಪ.—ಸ್ವಾಮಿ, ಇಲ್ಲಿಯತನಕ ನಡೆದ ವಾದಗಳನ್ನೆಲ್ಲ ಕೇಳಿದನು ಇಲ್ಲಿಯತನಕ ನಡೆದ ವಾದದ ಫೋರಣ್ ಏನಿತ್ತೆಂದರೆ ಕಾಂಗ್ರೆಸ್ ನವರು ಯಾವತ್ತೂ ಬಂಡವಾಳ ಶಾಹಿ ಜನರಿಗೆ ಮಾತ್ರ ಅನುಕೂಲ ಮಾಡುತ್ತಿದ್ದಾರೆಂಬ ಹೊರತು ಅವರು ಕೇವಲ ಬಾಯಿನಲ್ಲಿ ಮಾತ್ರ ಸಮತಾ ಸಮಾಜವಾದ ಹೇಳಿಕೊಂಡು ಬಡವನನ್ನು ಲಕ್ಷಿಸದೆ ಯಾವತ್ತೂ ಬಂಡವಾಳ ಶಾಹಿಗಳ ಕೈ ಹಿಡಿದು ಎತ್ತುವ ಕೆಲಸದಲ್ಲಿದ್ದಾರೆಂಬ ಅರ್ಥ ಬರುವಂತೆ ವಾದಗಳು ನಡೆದಿವೆ ಮತ್ತೊಂದು ಕಡೆ ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ವಿರೋಧ ಪಕ್ಷದಲ್ಲಿರತಕ್ಕವರೆಲ್ಲ ಯಾವತ್ತೂ ಬಡವರ ಶಾಹಿಯಾಗಿ ಬಡವರನ್ನು ಕೇವಲ ಅವರೇ ಉದ್ಧಾರ ಮಾಡಲು ಹೊರಟಿರತಕ್ಕದ್ದು ಎಂಬ ರೀತಿ ಮಾತುಗಳ ನ್ನಾಡಿದ್ದಾರೆ. ಈಗ ನಾವು ಬಿಲ್ಲಿನಲ್ಲಿ ಟನೆಂಟಾದವನು ಕೊಡತಕ್ಕ ರೆಂಟಿನ ಬಗ್ಗೆ 10 times the net average realisation of the land ಎಂತ ಹೇಳಿರತಕ್ಕದ್ದು ಬಹಳ ಜಾಸ್ತಿ ಆಯಿ ತೆಂದು ವಾದ ಮಾಡುತ್ತಿದ್ದಾರೆ. ಈ ಹಿಂದೆ ಫುಡ್ ಕಂಟ್ರೋಲ್ ಇದ್ದ ಕಾಲದಲ್ಲಿ ಎಕರೆಗೆ ಆವ ರೇಜ್ ಈರ್ಡ್ 7 ಪಲ್ಲ ಬರುತ್ತೆಂದು ಒಂದು ಲೆಕ್ಕ ಹಾಕಲಾಗಿತ್ತು. ನಾನ್ ರೆಸ್ಯೂಮಬಲ್ ರ್ಯಾಂಡಿನ ಬಗ್ಗೆ ಈ ಆವರೇಜ್ ಈಲ್ಟನ 1/5 × ಪ್ರೆಸೆಂಟ್ ಪ್ಯಾಡಿಟ್ ರೇಟನ್ನು ಕೊಡಬೇಕೆಂತಲೂ ಅಂದರೆ ಈಗ ಭತ್ತದ ಬೆರೆ ಪಲ್ಲ ಒಂದಕ್ಕೆ 35 ರೂ.ಗಳಿಂದ 49ರೂ. ಗಳವರೆಗಿದೆ. ಅಲ್ಲದೆ ಎಕರೆ ಒಂದಕ್ಕೆ 735 ರೂ. ಗಳಾಗಬಹುದು. ಇಷ್ಟು ಕಾಂಪ್ಲೆಕ್ಸೇಷನ್ ಮೊಬಲಗನ್ನು ರೈತನು 27 ಕಂತುಗಳಲ್ಲಿ 4½% ಬಡ್ಡಿಸ್ಕೊಡಬೇಕೆಂದು ಹೇಳಿದೆ. ಹತ್ತು ವರ್ಷಗಳ average 25 ರೂಪಾಯಿ ಎಂದು ಇಟ್ಟುಕೊಳ್ಳಬಹುದು. 25ಕ್ಕೆ 7ರಿಂದ ಗುಣಿಸಿದರೆ 175 ಆಗುತ್ತದೆ. ಇದರ ಮೂರನೆಯ ಒಂದು ಭಾಗ 58 ರೂಪಾಯಿ ಆಗುತ್ತದೆ. ಇದಕ್ಕೆ 10 ರಿಂದ ಗುಣಿಸಿದರೆ 580 ರೂಪಾಯಿ ಆಗುತ್ತದೆ. ಈ ಲೆಕ್ಕಾಚಾರದ ಪ್ರಕಾರ ಮರೆ ನಾಡಿನಲ್ಲಿ rain fed wet lands ಬಗ್ಗೆ ten times net income ಕಡಿಮೆಯಾಗುತ್ತದೆ. Non-resumable lands ಬಗ್ಗೆ provide ಮಾಡುತ್ತೇವೆ.

Sri J. B. MALLARADAYA.—Permit me to say that to cite that instance is out of order. What we object to, is sub-clause (2) (a) of 1947 which relates to possessing facilities for assured irrigation. You are talking to rain fed land.

Sri KADIDAL MANJAPPA.—But valuable lands which have been developed will go to those persons at ten times the net income as

calculated by me just now, and that sum has to be paid in 20 annual instalments. Therefore, it will not be a great burden.

Mr. SPEAKER.—The question is :

“That in item (i) of sub-clause (2) for the word ‘ten’ the word ‘eight’ shall be substituted.”

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“That in item (i) of sub-clause (2) for the words ‘ten times the average net annual income in respect’ the words ‘fifteen times the value in cash of one-fifth of the gross produce’ shall be substituted.”

*The amendment was negatived.*

Sri J. B. MALLARADHYA.—I beg to move :

“That in sub-clause (3) for the words ‘four and a half’ the word ‘four’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That in sub-clause (3) for the words ‘four and a half’ the word ‘four’ shall be substituted.”

Sri M. C. NARASIMHAN.—I beg to move :

“That in sub-clause (3) for the words ‘four and a half per cent’ the words ‘three per cent’ shall be substituted.”

Mr. SPEAKER.—Amendment moved :

“That in sub-clause (3) for the words ‘four and a half per cent’ the words ‘three per cent’ shall be substituted.”

†ಶ್ರೀ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯಾ.—ಸ್ವಾಮಿ, ಈಗ ಮಸೂದೆಯಲ್ಲಿರತಕ್ಕ 4½ per cent ಏತಕ್ಕೆ ಬೇಕು ? ನನ್ನ ತಿದ್ದುಪಡಿಯಲ್ಲಿ ಸೂಚಿಸಿರುವ ಹಾಗೆ ಆರ್ಥ ಪರ್ಸೆಂಟ್ ಕಡಿಮೆ ಮಾಡಿ ಅದನ್ನು 4 ಪರ್ಸೆಂಟ್ ಮಾಡಿದರೆ ಸಾಕು. ಇದಕ್ಕಾಗಿ ಉಪನ್ಯಾಸ ಮಾಡಬೇಕಾಗಿಲ್ಲ, ನನ್ನ ತಿದ್ದುಪಡಿಯನ್ನು ಸರಕಾರ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು.

ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಆರ್ಥ ಪರ್ಸೆಂಟ್ ಕಡಿಮೆ ಮಾಡಬೇಕು ಎಂದು ಹೇಳುವುದಾದರೆ ಅದಕ್ಕೆ ಒಪ್ಪುತ್ತೇವೆ.

†Sri M. C. NARASIMHAN.—The Maharashtra Act contains 3 per cent rate of interest. There is a small clarification which I want to give. In the bargain, the State should not make a profit. Though it is true that Clauses 51 and 78 provide for the same rate of interest of 4½ per cent, there is in actual practice a small margin of profit made by the State. My submission is while paying to the landlord Rs. 10,000 will be paid in cash and the balance of the amount will carry 4½ per cent interest. Obviously what would happen is the number of annual instalments on which the State would pay interest on account of



(Sri M. C. NARASIMHAN)

compensation due to the landlord is very much less. The tenant will be placed in a difficult position. He will have to pay only in 20 annual instalments. He cannot clear it in instalments less than 20. Whereas the State will be paying less by way of interest. Actually the tenant will be paying at the rate of  $4\frac{1}{2}$  per cent continuously. It is true that the State will have to get loans from the Public. But the public loans that are floated will be paid back in less than 20 years. They will be paid back in 10 or 5 years. For example on working capital, the Companies are entitled to 3 per cent. Three per cent is taken as the normal rate of interest. Further private capital runs the risk. Today there is a feeling that it should be more than 3 per cent. Normal rate of interest on gilt-edged securities is 3 per cent. I am inclined to accept Mr. Mallaradhya's amendment of 4 per cent.

†Sri. G. VENKATAI GOWDA.—To have the rate of interest charged at 3 per cent is justifiable; take for example an acre of land yielding 7 pallas;  $4\frac{1}{2}$  interest will work out to Rs. 33 interest per acre and if he has to pay Rs. 32 towards the principal, on the whole, he has to pay Rs. 65. Supposing the income is Rs. 87, he will be left with Rs. 22 for the hard work he has put in for one year. If the interest rate is reduced to 3 per cent, it will give him another Rs. 10. Taking into consideration the soaring price, should he not get Rs. 30 to Rs. 35 per annum for his work on one acre of land? Taking all these things into consideration, I respectfully submit that 3 per cent interest is justifiable.

Sri KADIDAL MANJAPPA.—We will accept the amendment of Sri Mallaradhya to reduce the rate of interest to 4 per cent instead of  $4\frac{1}{2}$  per cent.

Mr. SPEAKER.—The question is;

“That in sub-clause (3) for the words ‘four and a half’ the word ‘four’ shall be substituted.”

*The amendment was adopted.*

Mr. SPEAKER.—Since Sri Mallaradhya's amendment is carried, Sri Narasimhan's amendment does not survive. The question is :

“That Clause 78 as amended stand part of the Bill.”

*The motion was adopted.*

Clause 78, as amended was added to the Bill.

Mr. SPEAKER.—The question is :

“That Clause 79 stand part of the Bill.”

*The motion was adopted.*

Clause 79 was added to the Bill.

Mr. SPEAKER.—Clause 80.

5-30 P. M.

Sri V. S. PATIL.—Sir, I beg to move:

“That in item (ii) of the proviso for the word ‘ten’ occurring twice the word ‘eight’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“That in item (ii) of the proviso for the word ‘ten’ occurring twice the word ‘eight’ shall be substituted.”

†Sri V. S. PATIL.—This amendment refers to clause 80 regarding transfers to non-agriculturists. Here there is a proviso “Provided that the Assistant Commissioner having jurisdiction over the area or any officer not below the rank of an Assistant Commissioner authorised by the State Government in this behalf in respect of any area may grant permission for such sale, gift, or exchange, to enable persons who *bona fide* intend taking up agriculture.” *i. e.*, new persons who want to cultivate lands personally. They have obtained the permission of the requisite authority and then take up the land either by purchase, gift or by any of these conditions laid down above. If they fail to cultivate it, then what is to be done? “That the transferee takes up agriculture within one year that is all right. But if the transferee gives up agriculture in one year, than what is to be done? Then the difficulty is solved by the Government taking up the land and paying him “an amount equal to ten times the net annual income.” This is really absurd. Who will likely take up to agriculture in future? As per the provisions we have passed, the prices have been fixed at too high a level or beyond the capacity of the poor people, *i. e.*, the tenant and agricultural labour, etc. Naturally, persons who are likely to come up to take up to this agriculture are merely speculators or those who have amassed wealth by some other means which are unknown. If those people are to come and if they take up the land for cultivation then is it justifiable that when they give up, we should pay them ten times the net annual income? This appears to be really absurd. So this amount should be reduced if not forfeited. I would like to suggest in such cases that those who have taken up land by assuring Government officers that they want to cultivate the land personally and if they give up without reasonable cause, the land must be forfeited to Government without payment of any cost. That ought to have been clause. That would have been a deterrent for those who try to enter into the agricultural profession. If they leave off, Government is now making practically a gift of ten times the annual income of the land. This is really absurd. So I submit that it is completely in the interests of capitalists in the sense that those who have amassed wealth without knowing its value. So I submit that this should be amended.

Sri KADIDAL MANJAPPA.—This is advantageous to Government. I have no objection if it is made eight times.

Mr. SPEAKER.—So, Government is not capitalist now.

Sri V. SRINIVASA SHETTY.—Slightly modified.

Mr. SPEAKER.—The question is:—

“That in item (ii) of the proviso for the word ‘ten’ occurring twice the word ‘eight’ shall be substituted.”

*The amendment was adopted.*

Mr. SPEAKER.—The question is:

“That Clause 80, as amended, stand part of the Bill.”

*The motion was adopted*

Clause 80, as amended, was added to the Bill.

### Clause 81

Mr. SPEAKER.—There is a comprehensive amendment in the name of Sri Mallappa.

Sri K. MALLAPPA.—There is some clerical mistake. I may be permitted to amend. In the Explanation, for the word ‘that’, I may be permitted to substitute the word ‘this’.

Mr. SPEAKER.—Yes. He may move the amendment.

Sri K. MALLAPPA.—I beg to move:

“That for Clause 81, the following clause shall be substituted:—

“81 Section 80 not to apply in certain cases.

Nothing in section 80 shall apply to—

- (a) the sale, gift or mortgage of any land or interest therein in favour of the Government;
- (b) the sale of any land or interest therein in favour of Co-operative Society, or the mortgage of any land or interest therein in favour of a Co-operative Society as security for loan advanced by such society;
- (c) the sale, gift, exchange, lease or mortgage of any plantation or any interest therein.

*Explanation.*—For purposes of this section, ‘plantation’ shall have the meaning assigned to it in the explanation to section 104.”

Mr. SPEAKER.—Amendment moved:

“That for Clause 81 the following clause shall be substituted.—

“81 Section 80 not to apply in certain cases.

Nothing in section 80 shall apply to.

- (a) the sale, gift or mortgage of any land or interest therein in favour of the Government;
- (b) the sale of any land or interest therein in favour of Co-operative Society, or the mortgage of any land or interest therein in favour of a Co-operative Society as security for loan advanced by such society;

(c) the sale, gift, exchange, lease or mortgage of any plantation or any interest therein.

*Explanation.*—For purposes of this section, ‘plantation’ shall have the meaning assigned to it in the explanation to Section 104.”

Sri KADIDAL MANJAPPA.—I accept the amendment.

Mr. SPEAKER.—I will put the amendment to the House. The question is:

“That for Clause 81, the following clause shall be substituted:—

“81 Section 80 not to apply in certain cases.

Nothing in Section 80 shall apply to—

- (a) the sale, gift or mortgage of any land or interest therein in favour of the Government ;
- (b) the sale of any land or interest therein in favour of Co-operative Society, or the mortgage of any land or interest therein in favour of a Co-operative Society as security for loan advanced by such society;
- (c) the sale, gift, exchange, lease or mortgage of any plantation or any interest therein.

*Explanation.*—For purposes of this section, ‘plantation’ shall have the meaning assigned to it in the explanation to Section 104”

*The amendment was adopted.*

Mr. SPEAKER.—Now I will put the clause to the House. The question is:

“That Clause 81, as amended, stand part of the Bill.”

*The motion was adopted.*

Clause 81, as amended, was added to the Bill.

Sri G. VENKATAI GOWDA.—To the same clause, there is an amendment tabled by the Hon’ble Minister.

Mr. SPEAKER.—He is not going to move.

*Clause 82.*

Mr. SPEAKER.—There is an amendment by Sri S. Venkatai Gowda. He may move it.

Sri G. VENKATAI GOWDA.—Sir, I beg to move.

“That for the words ‘Village Officer’ the words ‘Secretary of the Village Panchayat’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“That for the words ‘Village Officer’ the words ‘Secretary of the Village Panchayat’ shall be substituted.”

Sri G. VENKATAI GOWDA.—Sir, it is a very simple amendment. It is also adopted in the enactment, Abolition of Village Officers. There is no Village Officer. In their place, secretaries are being appointed. Instead of Village Officer, we may substitute Secretary of the Village Panchayat.

† Sri J. B. MALLARADHYA.—Sir, I have to oppose this amendment. As matters stand to day, it is the village officers who are expected to report under this section. How can we give this responsible work to people who are not yet appointed. We do not know who they are, the conditions under which they are going to be appointed, whether they are qualified persons and what is the type of qualification prescribed for them. We cannot commit ourselves to be put in the hands of persons whose competence who do not know. Except for the definition of the Village Panchayat Secretaries in the Act, we do not know the type of men to be recruited and Unless we know the type of persons to be recruited, I for one cannot accept this amendment.

† Sri M. C. NARASIMHAN.—Sir, this House has passed the Mysore Local Boards and Village Panchayats Act and we have also passed the other enactments abolishing the posts of Village Officers. The Secretary of the Village Panchayat is a Government servant and not a non-official and at the moment he is subject to the control of the Deputy Commissioner. So, he is as good Government servant as anybody else. So, there can never be any objection to the Secretary of the Village Panchayat being empowered to make a statement to the Tribunal. After all, the Tribunal is going to make its own decision.

† ಶ್ರೀ ಸಿ. ಜಿ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ಇನ್ನು ಮುಂದೆ ಗ್ರಾಮಗಳಲ್ಲಿ ಕಂದಾಯ ವಸೂಲಿ ಕೆಲಸ ಪಂಚಾಯಿತಿ ಸೆಕ್ರೆಟರಿಗಳಿಗೆ ಸೇರಿರುತ್ತದೆ. ಇನ್ನು ಮುಂದೆ ಗ್ರಾಮಗಳಲ್ಲಿ ಪ್ರತಿಯೊಂದು ಲೆಕ್ಕಪತ್ರಗಳನ್ನಿಡತಕ್ಕವರೂ ಈ ಪಂಚಾಯಿತಿ ಸೆಕ್ರೆಟರಿಗಳೇ. ಹೀಗಿರುವಾಗ ಏತಕ್ಕೆ ಈ ದಿವಸ ಈ ಸೆಕ್ರೆಟರಿಗಳಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ನಂಬಿಕೆ ಇಲ್ಲವೋ ನನಗೆ ಗೊತ್ತಾಗುತ್ತಿಲ್ಲ. ಡೆಪ್ಯುಟಿ ಕಮಿಷನರಿಗೆ ಡೆವಾಕ್ಯುಸಿ ಆಡಳಿತವನ್ನು ತಂದು ನಾವು ಒಳ್ಳೆ ಬುನಾದಿ ಮೇಲೆ ಗ್ರಾಮ ರಾಜ್ಯವನ್ನು ಸ್ಥಾಪನೆ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿಕೊಳ್ಳತಕ್ಕ ಜನರು ಈ ದಿವಸ ಈ ಅಧಿಕಾರವನ್ನು ಆ ಪಂಚಾಯಿತಿ ಸೆಕ್ರೆಟರಿಗಳಿಗೆ ಕೊಡಿ ಎಂತ ಕೇಳುವುದರಲ್ಲಿ ತಪ್ಪೇನಿದೆ? ಈಗಾಗಲೇ ಸರ್ಕಾರದವರು ಒಂದು ಶಾಸನವನ್ನು ತಂದು ಗ್ರಾಮಗಳಲ್ಲಿ ಇಲ್ಲಿಯ ತನಕ ಆಡಳಿತ ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದ ಆ ಪಜೀಲ್-ಶ್ಯಾನುಭೋಗರನ್ನು ರದ್ದುಮಾಡಿದ್ದಾರೆ. ಹೀಗಿರುವಾಗ ಶ್ರೀ ಮಾನ್ಯ ಜಿ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯರು ಅದೇನು ಅಭಿಪ್ರಾಯ ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಂಡು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ವಿರೋಧಿಸಿದರೋ ಅದು ನನಗೆ ಗೊತ್ತಾಗಲಿಲ್ಲ. ಸಭ್ಯರಲ್ಲೇ ಗ್ರಾಮಗಳ ಆಡಳಿತ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯವರ ಕೈಸೇರಿರುತ್ತದೆ. ಈ ಸಂಭಂಧವು ಮುಸೂದೆಗೆ ಈಗಾಗಲೇ ರಾಷ್ಟ್ರಾಧ್ಯಕ್ಷರ ಸೈನ್ಯ-ಶಿಲುಗಳಲ್ಲಿ ಬಿದ್ದು ಬಹಳದಿನಗಳಾದವು. ಆದರೆ ಅದೇಕೋ ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದವರು ನ್ಯಾಯವಾದ ಅಧಿಕಾರಿಗಳ ಕೈಗೆ ಅಧಿಕಾರಕೊಡದೆ ಯಾವತ್ತೂ ತಮ್ಮ ಗರುಡ ಗಂಬ ಸುತ್ತುತ್ತಿರುವವರಿಗೇ ಇಂಥ ಅಧಿಕಾರ ಕೊಡುತ್ತಿದ್ದಾರೆ.

Sri KADIDAL MANJAPPA.—Sir, is it a relevant thing?

Sri C. J. MUCKKANNAPPA.—How do you say it is not relevant?

ಅಧ್ಯಕ್ಷರು.—ಈ ಅಸೆಂಬ್ಲಿಯಲ್ಲಿ ಆ ಗುರುತಿಸಬಹುದಾದ ತರಬೇತಿ.

Sri KADIDAL MANJAPPA.—This amendment is not acceptable. A village officer includes a Village Accountant if he functions as a village officer.

Mr. SPEAKER.—The question is:

“That for the words ‘Village Officer’ the words ‘Secretary of the Village Panchayat’ shall be substituted.”

*The amendment was negatived.*

Mr. SPEAKER.—The question is:

“That Clause 82 stand part of the Bill.”

*The motion was adopted.*

Clause 82 was added to the Bill.

*Clause 83.*

Mr. SPEAKER.—There is new clause sought to be added after clause 83.

Sri M. C. NARASIMHAN.—There is a similar amendment to clause 67.

Mr. SPEAKER.—Then, this clause may be taken up later on.

*Clause 84.*

Sri B. G. KHOT.—Sir, I do not want to move my amendment.

Sri Y. VEERAPPA.—Sir, I beg to move:

“That between the words ‘uncultivated’ and ‘for a period of’ the following words shall be inserted:—

or if the gross yield of any land goes down below 50 per cent of the average yield for such lands published by Government.”

Mr. SPEAKER.—Amendment moved:

“That between the words ‘uncultivated’ and ‘for a period of’ the following words shall be inserted:—

“if the gross yield of any land goes down below 50 per cent of the average yield for such lands published by Government.”

† ಶ್ರೀ ವೈ. ವೀರಪ್ಪ.—ಸ್ವಾಮಿ, ನಾನೀಗ ಈ ತಿದ್ದುಪಡಿ ತರತಕ್ಕ ಉದ್ದೇಶವಾದರೂ ಇಷ್ಟು: ಮುಖ್ಯವಾಗಿ ನಾವೆಲ್ಲರೂ ಈ ದಿವಸ ಏತಕ್ಕಾಗಿ ಈ ಭೂಮಿಧಾರಣೆ ಮನೂವೆಯನ್ನು ಜಾರಿಗೆ ತರಬೇಕೆಂದು ಹೊರಟಿದ್ದೇವೆಂದರೆ ದೇಶದಲ್ಲಿ ಆಹಾರ ಉತ್ಪನ್ನವನ್ನು ಹೆಚ್ಚು ಮಾಡಬೇಕೆಂಬುದೇ ಇದರ ಮುಖ್ಯ ಗುರಿಯಾಗಿದೆ. ಈಗ ಈ ಕ್ಲಾಂಜ್ 84 ರಲ್ಲಿ ಅಳವಡಿಸಿರತಕ್ಕ ಉದ್ದೇಶವನ್ನು ನೋಡಿದರೆ ಒಬ್ಬ ರೈತ ತನ್ನ ವಶದಲ್ಲಿರತಕ್ಕ ಜಮೀನನ್ನು ಎರಡು ವರ್ಷಗಳ ಕಾಲ ಪಾಳು ಗೆಡುವಿದ್ದಾಗ್ಯೂ ಆತನ ಮೇಲೆ ಯಾವ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಬಾರದೆಂದು ಹೇಳಿ- ಆ ಅವಧಿ ಮುಗಿದ ನಂತರ ಅನಿಸ್ಟಂಟ್ ಕಮಿಷನರು ಯಾರು ಹಾಗೆ ಭೂಮಿಯನ್ನು ಎರಡು ವರ್ಷಗಳ ಕಾಲ ಪಾಳು ಬಿದ್ದಿರಲು ಬಿಟ್ಟಿರುತ್ತಾನೋ ಅಂತಹವನಿಗೆ ಒಂದು ಎಚ್ಚರಿಕೆ ನೋಟೀಸನ್ನು ಕೊಡಬೇಕೆಂದು ಹೇಳಿದೆ. ಇದನ್ನು ನೋಡಿದರೆ ಇದು ಕೇವಲ one sided legislation ಇದ್ದಂತೆ ಕಾಣುತ್ತದೆ. ಈ ದಿವಸ ನಾವು ಭೂಮಾಲೀಕರಿಂದ ಜಮೀನನ್ನು ಕಿತ್ತುಕೊಂಡು ಗೇಣಿ

(ಶ್ರೀ ವೈ. ವೀರಪ್ಪ)

ದಾರರಿಗೆ ಏಕೆ ಜಮೀನನ್ನು ಕೊಡುತ್ತಿದ್ದೇವೆ? ದೇಶದಲ್ಲೆಲ್ಲಾ ಆಹಾರ ಕೊರತೆಯನ್ನು ನಿಗಲು ಹೆಚ್ಚು ಹೆಚ್ಚು ಆಹಾರವನ್ನು ಬೆಳೆಯಲಿ ಎಂದು ತಾನೆ? ಹಾಗಿರುವಾಗ ಅದನ್ನು ನಾವು ಯಾವ ರೀತಿ ಸಾಧಿಸಬೇಕೋ ಆ ರೀತಿಗೆ ತಪ್ಪಿರುವುದಾಗಿ ಈ ರೀತಿ ರೈತನಿಗೆ ಅಶ್ರದ್ಧೆಯಿಂದಿರುವ ಸರ್ಕಾರದವರೇ ದಾರಿಮಾಡಿ ಕೊಟ್ಟರೆ ಇದರಿಂದ ದೇಶದಲ್ಲಿ ನಾವು ಸಾಧಿಸಬೇಕೆಂದಿರುವ ಉದ್ದೇಶ ಖಂಡಿತ ಸಫಲವಾಗುವುದಿಲ್ಲ. ನಮ್ಮ ಆಹಾರದ ಕೊರತೆ ಇನ್ನೂ ಹೆಚ್ಚಾಗಬಹುದು....

ಆ ದೃಷ್ಟಿಯಿಂದ ಯಾವನು ಜಮೀನನ್ನು ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುತ್ತಾನೋ, ಯಾರ ಸಾಧನದಲ್ಲಿ ಅನುಭವದಲ್ಲಿ ಜಮೀನು ಇರುತ್ತದೋ, ಅವನಿಗೆ ಕಾನೂನು ರೀತ್ಯ ಒತ್ತಾಯ ಮಾಡದಿದ್ದರೆ, ನಿಜವಾಗಿ ಅವನು ಸೋಂಬೇರಿಯಾಗಿ ಬೇಕಾದಷ್ಟು ಜಮೀನನ್ನು ಹಾಳು ಬಿಟ್ಟು ಹೆಚ್ಚು ಆಹಾರ ಬೆಳೆ ಆಗುವುದಿಲ್ಲ.

Sri S. D. KOTHAWALE.—Who is going to decide whether it is 40% or 50% and can anybody go and examine all lands?

Sri Y. VEERAPPA.—It is possible. There are competent authorities. The Tribunal can do it by surveying the local conditions, rainfall, fertility of the soil, etc.

ಶ್ರೀ ವೈ. ವೀರಪ್ಪ.—ಈ ಪ್ರಾವೀರ್ಷ ಈಗ ಮಾಡಬೇಕು ಇದ್ದರೆ, ರೈತರನ್ನು ಸೋಂಬೇರಿಗಳಾಗಿ ಮಾಡುತ್ತಾರೆಯೇ ಎನಹ ಅವರನ್ನು ಉದ್ಧಾರ ಮಾಡುವುದಿಲ್ಲ. ಈಗಿರತಕ್ಕ ನಮ್ಮ ಚಿನೆನ್ನಿ ಕಾನೂನಿನ ಅನುಭವವನ್ನು ನೋಡಿದರೆ, ಕೇವಲ ರ್ಯಾಡ್‌ರಾರ್ಡ್ ಮೇಲೆ ಹೆಚ್ಚಾಗಿ ಹೊರಹಾಕಿ ಚಿನೆಂಟಿಗೆ ರಕ್ಷಣೆ ಕೊಡುತ್ತಿದ್ದೀರ, ಚಿನೆಂಟಿಗೆ ರಕ್ಷಣೆ ಕೊಡಬೇಕು. ಆದರೆ ಚಿನೆಂಟುಗಳು ಸೋಂಬೇರಿಗಳಾಗಲು ಅವಕಾಶ ಕೊಡಕೂಡದು, ಚಿನೆಂಟಿಗೆ ಹಿತದೃಷ್ಟಿಯಿಂದ ಮತ್ತು ದೇಶದ ಆಹಾರಾಭಾವ ದೃಷ್ಟಿಯಿಂದ ಈ ಎರಡು ಹಿತದೃಷ್ಟಿಯಿಂದ, ಈ ಅಮೆಂಡ್ ಮೆಂಟನ್ನು ತೆಗೆದುಕೊಂಡು ಬಂದಿದೆ. ಕೊನೆಯಪಕ್ಷ ಏಷ್ಟು ಬೆಳೆ ಬೆಳೆಯಬೇಕು ಎಂದು ಏನು ಒಂದು ರಿಸರ್ವಬರ್ ಸ್ಟ್ಯಾಂಡರ್ಡ್ ಇದೆಯೋ, ಅದರಲ್ಲಿ ಅರ್ಧದಷ್ಟನ್ನಾದರೂ ಚಿನೆಂಟ್ ಬೆಳೆಯಲೇ ಬೇಕು. ಈ ಪ್ರಾವೀರ್ಷ ಮಾಡಿದರೆ ರೈತನಿಗೂ ಅನುಕೂಲ, ದೇಶದಲ್ಲಿರುವ ಆಹಾರದ ಪಾಲ್ಪುಮ್ಮನ್ನೂ ಸಾರ್ವ ಮಾಡುವುದಕ್ಕೆ ಅನುಕೂಲ. ಈ ಉಭಯ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿ ಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದು ಸೂಕ್ತ.

†Sri KADIDAL MANJAPPA.—It is very difficult to determine whether it is below 50 per cent or otherwise. Further, we cannot permit that limit always in areas where distress conditions usually occur. Therefore, we cannot limit to 50 per cent of the yield. The amendment is not acceptable.

Mr. SPEAKER.—The question is:

“That between the words ‘uncultivated’ and ‘for a period of’ the following words shall be inserted.—

or if the gross yield of any land goes down below 50 per cent of the average yield for such lands published by Government.”

*The amendment was negatived.*

Mr. SPEAKER.—The question is:

“That Clause 84 stand part of the Bill.”

*The motion was adopted.*

Clause 84 was added to the Bill.

## Clause 85.

Sri J. B. MALLARADHYA.—Sir, I move:

“That for the words ‘not exceeding,’ the words ‘not less than,’ shall be substituted and for the words ‘such reasonable rent.....secured’ the words ‘not more than one-sixth of the gross produce’ shall be substituted.”

Mr. SPEAKER.—Amendment moved:

“That for the words ‘not exceeding’ the words ‘not less than,’ shall be substituted and for the words ‘such reasonable rent.....secured’ the words ‘not more than one-sixth of the gross produce’ shall be substituted.”

†Sri J. B. MALLARADHYA.—My object in moving the amendment is this. The Assistant Commissioner is expected under section 86 to lease out the whole or part of such uncultivated land to any suitable lessee for a period not exceeding five years. Supposing there is a land which is uncultivated for a long time and when a tenant makes an honest effort and improves the land, if the Assistant Commissioner restricts him to lease out after some time, the tenant will not get any benefit. So, I would suggest that the words “not less than” be substituted. The rent may also be fixed as 1/6th as in the Bombay Act. I do not think any argument is required.

†Sri V. SRINIVASA SHETTY.—If the Government is willing to accept the amendment, we have no complaint. We reliably learn that in certain areas landlords are not able to cultivate all the lands. There is a lot of surplus lands and they leave them as fallow purposely. Under such circumstances clause 85 provides that the Assistant Commissioner shall take over the land and lease it at such reasonable rent as he deems fit, and such a lease shall not exceed more than 5 years. After five years the land is taken away and is handed over to the landlord. The prices would have increased, the land would have been made cultivable and then he would have to pay the rent fixed by the Assistant Commissioner. In spite of the directions of the Planning Commission saying that the rent should not be more than 1/6th, this Government is afraid of fixing the rent at the rate fixed by the Planning Commission. Let the rent be fixed as not more than 1/6th and let the lease be stated as “not less than” five years. If the landlord is a *bona fide* cultivator there is no reason why he should allow these lands to lie fallow. We have simply suggested the recommendations of the Planning Commission and we are unable to understand why the Government is not able to make up its mind on such simple proposition. We request the Government to sympathetically consider this amendment and accept the same.

†ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—ಸ್ವಾಮಿ, ಈ ಕ್ಲಾಜ್ ನಲ್ಲಿ not exceeding five years ಅಂತ ಇರುವುದರಿಂದ, ಅನಿಸ್ಟೆಂಟ್ ಕಮಿಷನರು ಒಂದು ವರ್ಷಕ್ಕೆ ಕೊಡುವುದಕ್ಕೂ ಅವಕಾಶವಿದೆ. As it only means “Not exceeding five years” ಒಂದು ವರ್ಷ ಬೇಕಾದರೂ ಕೊಡಬಹುದು



(ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ)

ಒಂದು ವರ್ಷಕ್ಕೆ ಕೊಟ್ಟರೆ, ಫ್ಯಾರೋ ರ್ಯಾಂಡಿನಲ್ಲಿ ಚಿನೆಂಟಿಗೆ ಏನು ಇಂಟರೆನ್ಸ್ ಇರುತ್ತದೆ. ಅದ್ದರಿಂದ ಐದು ವರ್ಷಕ್ಕೆ ಕಡಿಮೆ ಇಲ್ಲದೆ ಎಂದು ಇರಬೇಕಾದುದು ಸೂಕ್ತ. ತಕ್ಕಮಟ್ಟಿಗೆ ಇದರಲ್ಲಿ ಸೆರೆಕ್ಸ್ ಕಮಿಟಿಯಲ್ಲಿ ಮಿನ್‌ಟೇಕ್ ಆಗಿದೆ. ಅದ್ದರಿಂದ ಈ ತರಹ ತಪ್ಪು ಬಂದಿದೆ ಎಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ. ಸೆರೆಕ್ಸ್ ಕಮಿಟಿಯಲ್ಲಿ ನಾವೂ ಈ ವಿಷಯದಲ್ಲಿ ಸ್ವಲ್ಪ ತಪ್ಪು ಮಾಡಿದ್ದೇವೆಂದು ಕಾಣಿಸುತ್ತದೆ. ಕೊನೆಯ ಪಕ್ಷ ಐದು-ಆರು ವರ್ಷ ಕಡಿಮೆ ಇಲ್ಲದೆ ಚಿನೆಂಟಿಗೆ ಕಲ್ಪವೇಶನ್ನಿಗೆ ಕೊಡಬೇಕು. ಐದು ವರ್ಷಕ್ಕೆ ಕಡಿಮೆ ಇಲ್ಲದ ಹಾಗೆ ಕೊಡುವುದಕ್ಕೆ ಪ್ರಾವಿಶವಾಡಿ ಅನಿಸ್ಟೆಂಟ್ ಕಮಿಷನರಿಗೆ ಪವರ್ ಕೊಡಬೇಕು. ರೆಂಟ್ ಕೂಡ ಫಿಕ್ಸ್ ಆಗಬೇಕು. ರೆಂಟು ಇಷ್ಟು ಎಂದು ಹೇಳಿಮುಂಚೆಯೇ ಗೊತ್ತಾದರೆ, ಚಿನೆಂಟು ಹೆಚ್ಚು ಇಂಟರೆನ್ಸ್ ತೆಗೆದುಕೊಳ್ಳುತ್ತಾನೆ. ಬೇರೆ ಕಡೆಗೆಲ್ಲ ಪ್ರಾವಿಶ ಮಾಡಿ, ಇಲ್ಲಿ ಮಾತ್ರ ರೀಸನಬಲ್ ರೆಂಟ್ ಎಂದು ಏಕೆ ಮಾಡಿದ್ದೀರಿ. ನ್ಯಾಯವಾಗಿ ರೆಂಟು ಆರನೆ ಒಂದು ಭಾಗಕ್ಕಿಂತ ಕಡಿಮೆ ಇಡಬೇಕು. ರ್ಯಾಂಡ್‌ರಾರ್ಡ್ ಜಾಸ್ತಿ ಜಮೀನನ್ನು ಫ್ಯಾರೋ ಬಿಟ್ಟಿರಬಹುದು. ಅದ್ದರಿಂದ ಮಲ್ಲಾರಾಧ್ಯರು ಮಾಡಿರುವ ಅಮೆಂಡಮೆಂಟನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

†Sri KADIDAL MANJAPPA.—The Select Committee has thought over this matter. After a good deal of deliberations they came to the conclusion that the period of lease should not be more than five years. With regard to the reasonable rent, even if it is reasonable it cannot exceed the maximum prescribed under section 8. Therefore, Sri J. B. Mallaradhya's amendment is not necessary. When we have accepted the maximum rent to be 1/4th or 1/5th under section 8, that rent operates. The maximum rent applies to this also and there is no need to make any change.

6-00 P.M.

Mr. SPEAKER.—The question is :

“That for the words ‘not exceeding’ the words ‘not less than’ shall be substituted and for the words ‘such reasonable rent...’ ‘secured’ the words ‘not more than one-sixth of the gross produce’ shall be substituted.”

*The amendment was negatived.*

Mr. SPEAKER.—The question is

“That Clause the 85 stand part of Bill.”

*The motion was adopted.*

Clause 85 was added to the Bill.

Mr. SPEAKER.—The question is

“That Clause 86 stand part of the Bill.”

*The motion was adopted.*

Clause 86 was added to the Bill.

*Clause 87.*

Sri J. B. MALLARADHYA.—Sir, I beg to move :

“That in line 4 of sub-clause (2) the word ‘annually’ shall be added after the words ‘State Government’”.

Mr. SPEAKER.—Amendment moved :

“That in line 4 of sub-clause (2) the word ‘annually’ shall be added after the words State Government”.

Sri J. B. MALLARADHYA.—Sir, I do not know why the word ‘annually’ has been omitted. I think it has to find a place there.

Sri KADIDAL MANJAPPA.—It was the intention that during the term of the lease the penalty should be four times the land revenue.

Sri J. B. MALLARADHYA.—Then, I withdraw my amendment.

*The amendment was by leave, of the House withdrawn.*

Mr. SPEAKER.—The question is :

“That Clause 87 stand part of the Bill”.

*The motion was adopted.*

Clause 87 was added to the Bill.

#### Clause 88

Sri J. B. MALLARADHYA.—Sir, I beg to move :

“That the following words shall be added at the end of the clause :—

“if he is satisfied that the owner required the land for *bona fide* agricultural purposes. If not, the lease shall be continued to the same tenant for a further period of five years in succession”.

Mr. SPEAKER.—Amendment moved :

“That the following words shall be added at the end of the clause :—

“if he is satisfied that the owner required the land for *bone fide* agricultural purposes. If not, the lease shall be continued to the same tenant for a further period of five years in succession.”

Sri V. S. PATIL.—Sir, I beg to move :

“That the following words shall be added at the end:—

“if such person satisfies that he will cultivate the said land in a proper manner.”

Mr. SPEAKER.—Amendment moved :

“That the following words shall be added at the end :—

“if such person satisfies that he will cultivate the said land in a proper manner.”

† J. B. MALLARADHYA.—Sir, it is obvious that when the owner requires the land for *bona fide* agricultural purpose, the Assistant Commissioner will have to deliver possession thereof to him, not under any other circumstance. Merely because of the expiry of the period

(Sri J. B. MALLARADHYA)

fixed in the original order, the land should not be automatically transferred to the owner unless the Assistant Commissioner is satisfied that he wants the land for *bona fide* agricultural purpose.

†Sri V. S. PATIL.—Sir, under this Clause 88, immediately after the expiry of the period of lease granted under this Chapter, the Assistant Commissioner shall deliver possession thereof to the person entitled to such possession. This is really absurd. The very purpose of this Chapter which is to take over the uncultivated land for the purpose of cultivation will be defeated by Clause 88. If the land owner or the person entitled to possession does not satisfy that he will continue to cultivate the land, what is the use of all these provisions. Unless he satisfies the Assistant Commissioner that he is going to cultivate the land, where is the sense in handing back possession to that person again? This is, as I said really absurd. Hence, either my amendment or the amendment of the Leader of the Opposition may be accepted in order to give effect to the very purpose of this Chapter. Otherwise, it will be practically useless.

†Sri V. SRINIVASA SHETTY.—Sir, one thing is clear that the land is lying fallow. Nobody tries to grab the land from the landlord and give it to somebody else. The land is given for a period less than five years to a tenant and on the expiry of that period, the Assistant Commissioner is asked to take it mandatorily. Where is the guarantee that the landlord is in a condition or in a mood to cultivate the land? He may not be in a condition or mood to do so in which case there is no option to the Assistant Commissioner to give it to the tenant again. The landlord may not be willing to cultivate it himself and may try to hand it over to somebody else or sell it. In such circumstances, why should it be given to the landlord? Let there be latitude to the Assistant Commissioner to take it over and give it back to the landlord or lease it again to the tenant.

†Sri KADIDAL MANJAPPA.—Sir, in the Original Bill elaborate provisions had been incorporated for the management of lands which are not cultivated by the owners. The Select Committee thought that there was no need to retain those elaborate provisions. They thought it would be sufficient if a provision is made to the effect that the Assistant Commissioner should be empowered to take possession of the land for a period of five years. You cannot include an expropriatory clause. The land belongs to some person and he has got the right to get it back. Sri Srinivasa Shetty said that he might sell it. What does it matter if he sells it. After all, he cannot get rent more than the maximum prescribed under Section 8.

†Sri V. SRINIVASA SHETTY.—Even if the landlord is not willing to cultivate and does not want the land for himself, as the provision stands now, the Assistant Commissioner is bound to take it over and hand it back to him.

Sri KADIDAL MANJAPPA.—It is his land, and for the sin of not cultivating the land. He will be deprived of it for a period of five years and it will be leased to somebody for a reasonable rent to be fixed by the Assistant Commissioner. He may require the land for non-agricultural purpose.

Sri V. SRINIVASA SHETTY.—Even if he does not want the land, the Assistant Commissioner has no option to give it back to the tenant:

Sri KADIDAL MANJAPPA.—Perhaps it is the intention of the Hon'ble Member that the lease should be continued for a further period of five years. But the point is that he may not require the land for agricultural purpose but may require it for non-agricultural purpose. If he does not require the land, he will relinquish it. I do not think the amendment is necessary.

Sri J. B. MALLARADHYA.—I wish I had explained. I thought it is simple. What were the conditions when the lands were taken away by the Assistant Commissioner and given over for cultivation. Even after 5 years if the Assistant Commissioner is satisfied that a person does not want it for purpose of cultivation, why should he not renew the land for five years? If a land is allowed to lie fallow, it would be used for non-agricultural purposes and the very purpose of this Bill will be defeated.

Sri S. D. KOTHAWALE.—The Government takes it for a limited purpose of bringing it under cultivation. The moment it is done, it will be returned.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರು ಹೇಳುತ್ತಾ, ಇರುವುದಾದ ಅಷ್ಟು ಕರವಾಗಿದೆ.....

Sri V. S. PATIL.—On a point of order. This amendment has been moved by the Leader of the Opposition. We have spoken in support of it. Then the Hon'ble Minister has replied. After his reply, is it in order for any other member to offer remarks.

Sri K. PUTTASWAMY.—I shall be very happy if the ruling is that the Minister has already replied and that there need be no discussion.

Mr. SPEAKER.—I allowed informal discussions to go on. Now that a point of order is raised; I shall put the amendment to vote.

The question is :

‘That the following words shall be added at the end of the clause.—

If he is satisfied that the owner requires the land for *bona fide* agricultural purposes. If not, the lease shall be continued to the same tenant for a further period of five years in succession.”

*The amendment was negatived*

Mr. SPEAKER.—The question is,

“That the following orders shall be added at the end.

If such persons satisfies that he will cultivate the said land in a proper manner”

*The amendment was negatived.*

Mr. SPEAKER.—The question is :

“That Clause 88 stand part of the Bill.”

*The motion was adopted.*

Clause 88 was added to the Bill,

Sri J. B. MALLARADHYA.—Sir, we will take up the remaining clauses to-morrow. It is already 6-15 p.m. and our brains refuse to work.

Mr. SPEAKER.—By to-morrow the third reading of this Bill should be finished. I am trying to help the members but things are going not only out of my hands but also the Leader of the party in power and Leader of the Opposition. On matters which we think as simple, speeches are made and much time is taken. That is why, if we sit for another 15 minutes we can do a lot.

Sri J. B. MALLARADHYA.—You can do that to-morrow, Sir. Now it is late.

Mr. SPEAKER.—I am very reluctant to apply guillotine. If to-morrow some clauses remain, I may have to reluctantly put them to guillotine. Personally I do not want to do that because I want to give as much time as possible for members to speak.

Sri J. B. MALLARADHYA.—If clauses are not finished in the morning we will sit in the evening.

Mr. SPEAKER.—No, by to-morrow morning it should be finished. There is no question of sitting in the afternoon. There is a limit to my endurance. I have been sitting the whole day without being relieved for the last so many days. Now, members will kindly bear with me when I say that by to-morrow morning it must be finished. If it is not finished, they must excuse my putting them to guillotine.

The House now rises and will meet to-morrow at 8-30 A.M.

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*The House adjourned at Twenty Minutes past Six of the Clock to meet again at Thirty Minutes past Eight of the Clock on Friday the 15th September 1961.*

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